

GENERAL AND LOCAL LAWS

(AND JOINT RESOLUTIONS)

OF THE

LEGISLATURE OF ALABAMA

PASSED AT THE

SPECIAL SESSION, 1921

HELD AT THE CAPITOL, IN THE CITY OF MONTGOMERY,

Commencing Tuesday, October 4, 1921

THOMAS E. KILBY, Governor.
NATHAN L. MILLER, Lieutenant-Governor.
T. J. BEDSOLE, Pres. Pro Tem. of the Senate.
S. A. LYNNE, Speaker of the House.



I, Wm. P. Cobb, Secretary of State, in and for the State of Alabama, do hereby certify that this volume is published by the authority of the State of Alabama, and in accordance with law.

WM. P. COBB,
Secretary of State.

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GOVERNOR'S MESSAGE

To the Legislature of Alabama:

GENTLEMEN: It was only after the most careful consideration, with due regard to public opinion as I interpret it, that I reached the conclusion that the best welfare of our State demanded that you be called together in extraordinary session. The importance of the principal matters designated in the proclamation calling the session will be recognized as full justification for the expense incurred by the State and the sacrifice and inconveniences to which you are subjected.

FIRST—ROAD IMPROVEMENT.

The immediate occasion for the session, and the first subject embraced in the call, is the emergency created by the decision of the Supreme Court of the State holding that the election on the question of the ratification of an amendment to the Constitution, held on February 16, 1920, was not provided for in the manner prescribed by the Constitution and was therefore void and of no effect. The result of that decision was to leave the State without means for raising sufficient money with which to match funds appropriated by the United States Government for the building and maintenance of highways in the State of Alabama.

Argument addressed to you on the subject of better highways would be superfluous, and hence I recommend without further comment that you again submit to the qualified electors of the State an Amendment to the Constitution providing for the issuance of bonds not to exceed the sum of \$25,000,000, bearing interest at the rate of not exceeding six per centum per annum and providing further that it shall be the duty of the Legislature to levy and collect a license tax on all automobiles, trucks and other motor driven vehicles sufficient in amount for the payment of said bonds, principal and interest, and providing further that adequate provision be made for the proper maintenance of all roads, highways and bridges constructed with the funds derived in whole or in part from the proceeds of said bonds.

Appended hereto for your information is a report of the State Highway Engineer showing the operations of the Highway Department and the present status of the work, finished, under construction and projected. I earnestly urge that special attention be given to the matter of providing for the repair and maintenance of roads after they are built. That is the weak spot in all systems of road building which have been tried heretofore

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in Alabama. Money expended for the building of roads is wasted unless adequate provision is made for their upkeep.

SECOND—POLL TAX AMENDMENT.

On practically the same grounds as in the case of the Bond Amendment election the Supreme Court held the election on the ex-service men's Poll Tax Amendment to be invalid, with the result that all soldiers, sailors and marines embraced in the proposed Poll Tax Exemption Amendment are disqualified as voters or office holders unless all of their poll taxes have been paid. To make effective your expressed wish in the matter it will be necessary for you to submit another amendment to a vote of the qualified electors of the State.

THIRD—PORT AMENDMENT.

At your 1919 session an amendment to the State Constitution was proposed as follows:

"Section 93. That section 93 of the Constitution of the State of Alabama as amended in 1908 be and the same is hereby amended so as to read as follows, namely: Section 93. The State shall not engage in works of internal improvement nor lend money or its credit in aid of such, nor shall the State be interested in any private or corporate enterprises or lend money or its credit to any individual association or corporation, provided that the State may under appropriate laws cause the net proceeds from the convict fund to be applied to the construction, repair and maintenance of public roads in the State, and the Legislature may also make additional appropriations for that purpose; and provided further, that the foregoing prohibitions shall not apply to the promotion, development or operation of harbors or sea-ports within the State or its jurisdiction provided, further, that any such work or improvement shall always be and remain under the management and control of the State through its State Harbor Commission or other governing agency and provided further that the adoption of this amendment shall not affect any other amendment to the constitution which may be adopted pursuant to any resolution of this session of the Legislature."

The people refused to ratify the proposed amendment for the reason, in my judgment, that its real purpose was not understood and the benefits to accrue from it were not fully realized by them.

There seems to have been an impression abroad that the Port Amendment was a measure designed for the particular and sole benefit of the city of Mobile. That such view is entirely erroneous is admirably shown in the following article prepared by Dr. Erwin Craighead at my request:

"Alabama would be an interior State but for the fact that when its boundary was defined, the State was allowed a tongue of land reaching down to the sea. In this same way Mississippi touches upon the Gulf, and Pennsylvania, Indiana and Illinois obtain outlet upon the Great Lakes. Where States could not be brought into direct connection with the ocean, care was taken to border them upon the great rivers so that communication might be had with the sea. Manifestly the makers of our Union had a very decided purpose to portion out equally all the facilities of the waterways; and equally clear is it that they were fully alive to the importance of the waterways and the harbors in the promotion of the growth and prosperity of the Union as a whole.

"In this wise partitioning of territory and forming of States, Alabama was given not only a considerable frontage on the sea, but also that particular part of the shore which embraced that great body of water known as the Bay of Mobile, into which empty the waters of one of the most important river systems of the United States.

"Looking at the map and noting the significance of this piece of land reaching down to the sea, and the remarkable appositeness of the rivers and the bay, that appear designed by nature as if to be used as highways and a great trade terminal by men, it is quite impossible to ascribe to the water system, including the seaport, a local character. Unquestionably this natural contribution to the facility for carrying on trade and commerce belongs to all the people of the country and particularly to the people of Alabama, its territorial owners and guardians.

"The Federal Government has generously recognized what may be called the general ownership and has greatly met the obligations resting upon it, for it has improved the harbor at Mobile until great steamships now do business in that port, and it has improved the Tombigbee and Warrior Rivers until there is all-the-year-round navigation where, in the past the navigation was interrupted for long periods in the drought season. Moreover, the Federal Government has spent large amounts of money and has inaugurated an improved barging service for the purpose of demonstrating that the waterways can be used to advantage in the transportation of Alabama products to foreign lands and in receiving in turn goods, both foreign and domestic, via the port of Mobile, the same to be barged up the rivers in self-propelling barges and distributed to Alabama and the neighboring states of Tennessee and Georgia and even beyond.

"The benefit to the State of the development of the port of Mobile is directly felt by every citizen, every line of business and industry. In the first place, the existence of proper facilities at Mobile gives to this port importance in world commerce. One of the first results of port success is the general reduction of rail rates between that port and points inland. To develop

the port of Mobile is therefore to insure the permanence of Alabama's rate benefits. A saving of twenty to forty per cent., or more, on transportation costs means that Alabama products obtain a wonderful advantage in world markets in competition with goods elsewhere.

"The port is the proper crown of the waterways. The Warrior without a terminal port would at once lose its usefulness. The port means joint rail and water rates that affect inland territory and shipping points far from the waterway. These rates are a direct and important saving to the citizens. Port terminals mean prompt and inexpensive handling of cargoes—another saving.

"A first class port means a wider market for Alabama products for to such a port vessels come from all over the world bringing and seeking cargo. Thus the ports of the whole world receive the products of this State.

"A port situated as is Mobile lies in the pathway of incoming raw materials for the reduction of which factories are needed and industries will come into existence. For industries already in operation the port insures cheap importation of materials that are not produced within the State.

"Port advantages will give the State commercial independence of rival trade territory. For example, if Alabama had to depend upon New Orleans as a port, distance would operate against this State, for the reason that goods produced nearer the shipping point would naturally receive preferred treatment and have the advantage of lower cost to seaboard.

"The equipment of the port insures the continuation of Federal appropriation for harbor and channel and for the Warrior. It is doubtful if the Warrior could justify itself without the development of the port of Mobile. The installation of proper shipping and transshipping facilities at Mobile is needed to attract outside industries to Alabama in order that they may enjoy the advantages offered.

"A first class port for Alabama means the relief of congested railroads, through the bringing about of shorter hauls on the principle of sending goods to seaboard by the shortest route.

"Railroads favor certain ports as against others. This favor is based on private and not public advantage, and the result is that goods are given the long haul while regions near the gulf seaboard are deprived of their advantage of location by a process of stunting the development of the less favored ports. If Mobile is properly equipped to take care of any amount of business that may be offered, and especially to give vessels that dispatch that they expect and that should be given by a first class seaport, her position, supported by the rich resources of Alabama and the great waterway system, would be commanding. The

port could no longer be ignored by the great transportation companies.

"All this benefit can be obtained without cost to the taxpayers who authorize the expenditure, for the history of other ports, notably that of New Orleans, shows that port facilities are self-supporting and in time retire their bonds out of their surplus revenues. The immense expenditures authorized by the State of Louisiana at the port of New Orleans and amounting to millions of dollars have not cost the tax-payers of that State one cent in public funds. For proof of this the following from a letter to Hon. John Craft of Mobile, under date of July 16, 1921, written by T. S. McChesney, Treasurer and Assistant Secretary of the Port Commission of New Orleans, can be quoted:

"It has been a source of pride to note the wonderful growth the Port of New Orleans has made under public ownership, and particularly the patronage given the public wharves, as you will note by referring to tonnage statistics shown in the annual report. It is also a source of pride that not one cent of taxation has been paid by the citizens of the State of Louisiana or of the city of New Orleans for the development and maintenance of its harbor facilities on the river front."

I most earnestly recommend a resubmission of the Amendment to a vote of the qualified voters of the State.

FOURTH—SUNDAY LAWS AND MOTION PICTURES.

A vast majority of the people of Alabama believe in the proper observance of the Christian Sabbath. That majority does not believe in what is known as "blue laws" or such rigid provisions as would deny to them the right to a reasonable and proper exercise of personal freedom and participation in innocent and harmless amusements which do not interfere with the peace and quiet of others not so engaged. Nor do they believe in laws which interfere with their privilege to secure on Sunday means of transportation, newspapers and such articles of necessity as cannot be conveniently procured on week days for use on Sundays. Such laws partake of the nature of the so-called "blue laws."

The present laws of Alabama are reasonable and liberal in the main and afford protection against desecration of Sunday, with a few exceptions, but there are some injustices and unfair discriminations in the laws which should be corrected. For example, it is manifestly discriminative and unjust to allow a druggist to dispense the wares of a soda fountain or a cigar stand and deny a like privilege to the keeper of a soft drink or cigar stand who pays exactly the same privilege license as the druggist pays. If the law prohibits Sunday baseball or Sunday moving pictures in one city it should prohibit them in all cities. Sunday baseball is demoralizing and often a public nuisance and such a large

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percentage of moving pictures are immoral and degrading and unfit for showing even on week days that it would certainly be in the interest of good morals to prohibit them on the Sabbath day. My opinion is that all stores and shops should be closed on Sunday, except for the sale of necessities such as ice, milk, drugs and medicines, and that bona fide restaurants and cafes should be permitted to serve only meals. I believe further that motion pictures, baseball, football and other games should be forbidden on Sunday where admission fees are charged, and that the governing bodies of all incorporated cities and towns in the State should be required to provide means for inspection and approval or rejection of all motion pictures before they are permitted to be shown publicly, with suitable penalties for failure to make such provisions and for their violation.

While giving expression to my personal views, I realize that these moral and semi-religious questions are matters which can perhaps best be settled by the exercise of the individual legislative conscience and hence I do not urge my personal views but rely upon the sound discretion and wisdom of your honorable body.

FIFTH—CEREAL BEVERAGES.

Alabama is the only State in the Union where non-alcoholic cereal beverages are not legally sold. These cereal beverages are the only class of soft drink prohibited by our law. All de-alcoholized wines and grape juices, containing a higher trace of alcohol than this class of prohibited drinks, are sold legally in the State, so why should not this class of drinks—non-alcoholic, non-intoxicating, harmless as goats' milk—be sold under the sanction of law

For the purpose of securing an answer to that question and in order to secure arguments pro and con, I requested Dr. W. B. Crumpton, President of the Anti-Saloon League of Alabama, and Mr. Victor H. Hanson, of the Birmingham News, to submit briefs for and against the traffic in these drinks.

Because of the fact that Dr. Crumpton did not respond with a clear cut argument or brief such as was requested and answered in a sort of controversial manner, I deem it but fair and proper to quote the entire correspondence.

The brief of Mr. Hanson speaks for itself.

CORRESPONDENCE WITH DR. CRUMPTON.

July 16, 1921.

Dr. W. B. Crumpton, President,
Anti-Saloon League,
Montgomery, Ala.

My dear Doctor: Will you kindly prepare, or have prepared for me, at your convenience, a brief or argument against the

licensing or permitting the sale of cereal non-alcoholic beverages in the State? If you will do so I will be very much obliged.

Very truly yours,

(Signed) THOS. E. KILBY,
Governor.

(Not Dated)

To Governor Thos. E. Kilby,

Dear Governor: In response to your request that I prepare "a brief or argument against the licensing, or permitting the sale of cereal, non-intoxicating beverages in the State," I reply:

I prefer the term Near-Beer to the word "Non-intoxicating" and will so discuss the question. To license such a beverage, our Alabama laws would have to be amended. This would be in violation of a pledge in 1918 by yourself and most of the Legislature, by which you secured the support of the Alabama Anti-Saloon League and the prohibitionists of Alabama, that no law would be passed that would change the present prohibition laws.

This is all the argument I care to make at this time.

With all good wishes for you personally and the great State over which you are the Chief Magistrate, I am

Yours very truly,

(Signed) W. B. CRUMPTON,

July 21, 1921.

Dr. W. B. Crumpton,
Montgomery, Ala.

My dear Doctor: Your letter, not dated, in reply to my letter of July 16th, is received.

I suppose it makes little difference what we call the soft drink in question. "A rose by another name would smell as sweet," and I suppose an intoxicating drink would make a man drunk whether called by one name or another, and that a non-intoxicating drink would not make a man drunk even though it were called near-beer.

You state that to license such a beverage would be in violation of a pledge made by me and most of the Legislature in 1918, by which we secured the support of the Alabama Anti-Saloon League and the Prohibitionists of Alabama, that no law would be passed that would change present prohibition laws.

If by present prohibition laws you mean the laws at present existing, I would say that it would be very queer for a person in 1918 to pledge himself not to change a law to be subsequently enacted. How could I and any part of the Legislature in 1918 pledge ourselves not to change a law which was to be enacted a year or so later, in 1919? How could such a pledge be intelli-

gently made, the pledger not knowing the character of the laws which might be passed subsequent to the making of his pledge?

If you mean by present prohibition laws those in effect at the time the alleged pledge was made in 1918, then I ask what could have been the purpose of making a pledge of that kind?

As a matter of fact the prohibition laws in effect in 1918 were not satisfactory either to you, to myself or to most of the members of the Legislature. Witness the fact that the first thing the Legislature did after convening in 1919 was to adopt a new prohibition law. So, therefore, I do not see how you could claim that a pledge was made not to change either the one or the other.

Speaking for myself, I say most emphatically that I made no pledge of the sort either to you or to any other man, to any woman, child, or even to myself.

Of course I cannot speak for "most of the Legislature" except to refer to what the body did itself by solemn enactment.

Perhaps you are referring to a pledge I made during my candidacy in 1918, which was not a pledge not to change the law but rather a pledge to change the law, making it stronger.

You state that by making the pledge I secured the support of the Anti-Saloon League and the prohibitionists of Alabama. I beg to differ with you in that respect. The Anti-Saloon League did not endorse my candidacy. A committee known as the Headquarters Committee, by a majority vote endorsed my candidacy but some of the members refused to sign with the majority. That could hardly be called an endorsement of the Anti-Saloon League. Some of the members were loyal, enthusiastic and sincere friends and I do not wish to reflect to the slightest degree upon their part in my campaign.

Now to the real question: The brief or argument against permitting the sale of what you call "near beer" in Alabama. I wrote you as the leading prohibitionist in the State and as the head of the organization championing the cause in the hope that you would send me the very strongest possible argument in support of your contention that it would be harmful to the cause of temperance, to prohibition and to the prohibition laws to permit the sale of these drinks. Your short statement containing a mere assertion does not meet my expectation in the matter. I really want a strong document, absolutely convincing, if possible.

I believe in the prohibition law and I believe in it strongly and I do not want to do anything to injure it. I believe the permitting of the sale of cereal beverages or near beer would tend to the better enforcement of the law and it was for the purpose of having the very best argument against my belief for the benefit of prohibition itself that I asked for such document. You say that what you have written is all the argument you care to

make at this time. Another time may be too late for the purpose for which I desired to use the argument.

With kind personal regards, I am,

Very truly yours,

(Signed) THOS. E. KILBY,
Governor.

Montgomery, Ala., July 26, 1921.

Gov. Thos. E. Kilby,
State Capitol, City.

Dear Governor: I have been away a few days and find your letter of 21st on my return. My statement that you and a majority of the members of the Legislature received the endorsement and support of the Anti-Saloon League and Prohibitionists, on your promise not to interfere with the prohibition laws, thanks to your suggestion, I will amend by adding: "unless to make them stronger." This the Legislature did and you endorsed it. The strongest sentence of that law was to forbid the manufacture or sale of any drink "that looked like, smelled like or tasted like beer." This sentence will have to be stricken out, if a bill is carried through the extra session permitting the licensing the sale of Near Beer.

You well know the grounds of my objection. I have no confidence in the brewery people who are behind this movement. Knowing them as you do, I am greatly surprised that you should favor anything they want.

"Non-intoxicating" is to be the pledge. At the soft drink stands, if they have this on hand, the *real stuff* will be near at hand too and will be dished out to the initiated. But suppose there is none of the real beer on hand. A glass of the near beer with a spoonful of "white lightning" will be the real beer with all the kick the most thirsty will need.

You claim the law you advocate will aid in law enforcement. Of course, if one can get a glass of beer for five or ten cents, he will not want to pay twenty-five or fifty cents for a drink from a boot-legger. While you interfere with the boot-legger business, you are violating the prohibition law by serving beer. You suppress the trade in secret and let the prohibition law be broken openly under cover of serving a non-intoxicating drink. We may fail in our opposition, but we pledge our best endeavor to hold what we have. If you succeed, upon our Prohibition Governor will rest the responsibility of breaking down our law and dividing our prohibition forces.

With personal regards for you and an earnest desire to serve the best interests of the State, I am

Yours very truly,

(Signed) W. B. CRUMPTON.

July 27, 1921.

Dr. W. B. Crumpton,
Montgomery, Alabama.

Dear Doctor Crumpton: Your letter of July 26th is received.

I take the statement therein as the argument of yourself and the Anti-Saloon League against the permitting the sale of near beer in the State.

If anything occurs to you before I make use of the letter which you wish to add to what you have already said, I will be very glad to have you send it to me.

With kind regards, I am

Very truly yours,

(Signed) THOS. E. KILBY,
Governor.

Montgomery, Ala., August 2, 1921.

Governor Thos. E. Kilby,

Dear Governor: I have just returned to the city and have read yours of the 27th. I do not recall a sentence in my letters which indicated I was expressing the views of the Anti-Saloon League. On July 16th you wrote asking me to give you my best arguments against the licensing the sale of near beer, etc.

I candidly gave you one argument.

I have no idea what use you intend to make of my letters; but you will certainly be treating the League unfairly if you publish them as having endorsed with me the one argument—I wrote for myself without conference with the League. I felt that I should say this to you before the matter went any further.

Yours truly,

(Signed) W. B. CRUMPTON.

August 5, 1921.

Dr. W. B. Crumpton, President,
Anti-Saloon League,
Montgomery, Ala.

Dear Doctor: Your letter of August 3rd is received.

By referring to my letter of July 16th you will note that it was addressed to you officially as President of the Anti-Saloon League of Alabama. My second communication on the same subject should have been addressed officially also.

It was my purpose and hope to secure from you, as leader of prohibition in Alabama, a brief or argument against the disposition of cereal beverages as strong as such paper could be written, either prepared by you, by some one else selected by you, or by a committee of the Anti-Saloon League. It is not too late now, so I ask you, as President of the Anti-Saloon League of Alabama, to furnish me with reasons why the League opposes

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the manufacture, sale or other disposition of non-alcoholic cereal drinks in the State.

I think I have made it clear to you that I want the very strongest and most convincing argument against the proposal to allow the use of these drinks that can be produced, and I trust that you will send it to me with as little delay as possible.

Very truly yours,

(Signed) THOS. E. KILBY,
Governor.

BRIEF OF VICTOR H. HANSON.

A BRIEF.

Favoring the Enactment of a Cereal Beverage Law by the Alabama Legislature.

"The National Prohibition Enforcement Law, more popularly known as the Volstead Act, declares that the phrase "Intoxicating Liquor" shall not extend to de-alcoholized wine nor to any beverage or liquid produced by the process by which beer, ale, porter or wine is produced if it contains less than one-half of one per centum of alcohol by volume and is made as prescribed in Section 37 of this title and is otherwise denominated as beer, ale or porter and is contained and sold in or from such sealed and labeled bottles, casks or containers as the commissioner may by regulation prescribe.

(See Title 11, Section 1.)

The law specifically authorizes the manufacture of cereal beverages either by the de-alcoholization process or by the arrested fermentation process. Under this act they shall not contain as much as one-half of one per cent of alcohol by volume and are therefore declared to be non-intoxicating beverages and classified as soft drinks.

Almost every State in the Union has passed prohibition enforcement laws conforming to and in most instances containing the exact language of the National law.

The law authorizes the establishment of de-alcoholization plants and provides that every manufacturer who establishes such plants shall be placed under heavy bond to the Government for the faithful compliance with the law.

Cereal beverages are manufactured under strict Government supervision and manufacturers are required to keep a daily record and summary of each month's transactions, showing the quantity of materials used and the amount of beverages produced.

The manufacture, transportation and sale of cereal beverages made in conformity to the Volstead Act are surrounded, bound and restricted by elaborate Government rules and regulations.

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The fears of some that beer might be transported into the State of Alabama through the permission granted for the sale of cereal beverages is unfounded and impossible of performance.

The Volstead Act makes it unlawful for any consignee to accept or receive any package containing liquor upon which appears a statement known to him to be false, or for any carrier or persons to consign, ship, transport or deliver any such package knowing such statement to be false. This act also provides that no transportation company or common carrier may lawfully transport intoxicating liquor without first obtaining a permit from the Government. The transportation provisions of the act are so stringent that it would be impossible to ship beer into the State under the guise of cereal beverages. Beer is never bootlegged on account of the fact that it is too bulky.

It is popular knowledge that the original draft of the Volstead Act was written under the guidance of the legal representative of the National Anti-Saloon League, and all amendments thereto adopted by Congress were first closely scrutinized by the legislative representatives of the League. The fact that de-alcoholized beverages were authorized by this act ought to be conclusive proof to the officials and Legislature of Alabama that the National Anti-Saloon League and the superintendents of the several state leagues were not opposed to the manufacture and sale of cereal beverages.

The superintendents of the Anti-Saloon League in some states have co-operated with the representatives of cereal beverage manufacturers to promote legislation for the protection of this industry, holding that the cereal beverage business is an actual and positive aid to the enforcement of the National and State prohibitory laws.

The National Prohibition Act also specifically authorizes the de-alcoholization of wine. Such de-alcoholized wines are sold throughout the State of Alabama without any effort being made by the Anti-Saloon League of this State to prevent it.

The Alabama Anti-Saloon League has directed its efforts to prevent merely the sale of cereal beverages, which are de-alcoholized by practically the same process as the de-alcoholized wines that are sold in this State.

The sale of grape juice and de-alcoholized wines is legal in Alabama. They contain as much alcohol as cereal beverages. Grape juice and de-alcoholized wines are the fruit of the vine. Cereal beverages are the juice of the grain. What logical reason, therefore, can be assigned to the discrimination against the juice of the grain and the favoritism shown to the juice of the grape? Grape juice by manipulation can be made the base of wine. Cereal beverages, de-alcoholized and pasteurized, are not self alcoholic increasing and therefore remain non-intoxi-

cating because there is no known process by which cereal beverages can be made into alcoholic beer.

Alabama is the only State in the Union which has a law prohibiting the use of cereal beverages. These beverages are sold in every other State with the full approval of State and local authorities.

Cereal beverages by analysis contain from nothing or an infinitesimal percentage of alcohol to 0.45 of one per cent. The popular and well known brands of grape juice analyze from 0.10 to 0.50 of one per cent. Sarsaparilla 0.05 to 0.10 of one per cent. alcohol. Cream soda 0.10 of one per cent. or more. Fountain syrups, undiluted, 2 to 3 per cent. alcohol. Other patented and secret formula soft drinks range from 0.05 to 0.25 of one per cent. Cola drinks .10 to .25 of one per cent alcohol.

From the standpoint of alcohol, which is found in practically all soft drinks, cereal beverages and beverages of different character are in the same soft drink classification.

Relative to the term "near beer" it may be said that the use of the word "beer" is specifically prohibited by the Volstead Act. It cannot be used legally in the sale of any lawful product. The beverages are officially classified as cereal beverages. The term "near-beer" has simply grown into popular use without sanction of laws and is therefore a misnomer.

Cereal beverages are manufactured from high grade cereals and flavored with hops, and the terms "cereal beverage" clearly and accurately defines them.

The use of cereal beverages tends to curtail boot-legging, home-brewing, moonshining, and the consumption of dangerous and sometimes poisonous alcoholic concoctions.

The attitude of the leading brewers of the United States is clearly set forth in an address delivered before the judiciary committee of the House of Representatives in Washington on May 12th by Oliver T. Remmers, Attorney for Anheuser-Busch, Saint Louis. Mr. Remmers, speaking for his client, opposed the manufacture of beer for medicinal purposes on the ground that it would make it impossible to enforce the prohibitory laws. He also demanded the strictest possible enforcement of the prohibitory laws, stating that his firm and other former leading breweries, while opposed to the principle of prohibition in itself, stood for and favored the rigid enforcement of the National Volstead Act. He also requested Congress to make an investigation of the method of enforcing the present prohibitory laws for the purpose of devising means to prevent their violation.

The Anti-Saloon League of Alabama is the only branch of the National Anti-Saloon League which is out of harmony with both the National Anti-Saloon League and the several State Anti-Saloon Leagues in their effort to encourage the manufacture and use of cereal beverages. They realize that the former brewing

plants and their thousands of employees should be kept in operation, if possible, particularly during the transformation period in which these plants are being changed over to plants for the manufacture of other products. More than two-thirds of the former brewing plants are now entirely out of business and their thousands of former employees in many instances have been added to the army of unemployed and are walking the streets of the different cities seeking employment by which to earn a living.

Cereal beverages are universally recognized as healthful products, being manufactured in sanitary plants from the purest ingredients the manufacturers can buy. The highest degree of care and sanitation is used in the manufacture of cereal beverages, and the concentrated strength of America's cereals is contained in the beverages, from which the consumer receives the benefit. These beverages contain no objectionable or harmful ingredients. The use of a cereal beverage is often recommended to promote the public health.

I respectfully submit that there is no sound reason why Alabama should be the only State in the Union to prohibit the sale of cereal beverages. Such a law would not tend to weaken the prohibition laws; it would be an aid to law enforcement, and contribute to the public health and comfort of the people. Such a law would inevitably produce considerable revenues to the State."

It is now and always will be impossible to secure convictions for the sale of a harmless drink. Juries will simply not convict. And so it has been found impossible to enforce the law against non-intoxicating drinks with the consequence it is a dead letter. The following letters from former Chief Law Enforcement Officer C. W. Austin, a man of long experience in law enforcement, show the impossibility of enforcing the law and contain valuable suggestions for restrictions and safe guards. I do not share his views as to the revenue to be derived from the business. That should not be a factor. We should not license or refuse to license any drink because of the revenue to be gotten from it. The proposition should stand or fall on its own merits. The letters of Mr. Austin follow:

Montgomery, Alabama, September 14, 1920.

Hon. Thos. E. Kilby,
Governor, Capitol.

Dear Sir: Referring to our conversation of the 13th instant, I wish to say that it is almost impossible to get convictions for the sale of non-intoxicant drinks. In some places it is an impossibility to get warrants for violations of this character. I also find that at all Government Plants near-beer is being dispensed.

In former days, before the Volstead Act went into effect and breweries were permitted to run, beer was shipped in labeled as

near-beer. Since the breweries have been put out of commission, there is absolutely no danger of anything of this kind.

Taking everything into consideration from a law enforcement standpoint, I believe it would be the proper thing to pass a law permitting the sale of non-intoxicating near-beers and give the State the benefit of the license for the sale of same. I think, too, that there should be certain restrictions, in case any one who was permitted to sell this near-beer should abuse the privilege, that a severe penalty should be attached.

Hoping the above will meet with your approval, I am

Respectfully,

(Signed) C. W. AUSTIN,
Chief Law Enforcement Agt.

Montgomery, Ala., July 9th, 1921.

Governor Thos. E. Kilby,
Capitol.

Dear Sir: Mr. Champion called me over 'phone after leaving his office this afternoon and spoke of conversation he had with you relative to the near beer proposition, in which he referred to my attitude on this matter.

I wish to say, Governor, that I wrote you a letter, dated September 14, 1920, explaining my attitude. I came to this conclusion after making a very strenuous effort to enforce the law relative to near beers, and found it almost an impossibility to do so. I felt like then, and at the present time, that this being the case, these drinks dispensed without paying one cent revenue to city, county or State, that if the law could not be enforced, I thought it better that a law should be passed with certain restrictions, and that the State should be deriving some revenue from same. Not that I favor near beer, neither do I favor the Cola drinks—they are all injurious.

In discussing this matter with Mr. Champion, I believe I have spoken of the danger of road house, near beer stands over the State, which would be nothing more nor less than blind tigers and dens of crime. Now, one of the restrictions I had in mind when writing you was, that in case such a law should be passed allowing the sale of near beer, that it should be allowed sold only in restricted districts, towns or cities where there was ample police protection.

I hope I have made myself clear to you on this matter, and I think after talking with Mr. Champion over 'phone, that he now understands my position better.

Very truly yours,

(Signed) C. W. AUSTIN,
Chief Law Enforcement Officer.

XVIII

SIXTH—TRAINING SCHOOL FOR GIRLS.

You have heretofore authorized the removal of the Training School for Girls and appropriated \$50,000 for the purchase of a site and the erection of buildings. Twenty acres of land in Birmingham have been purchased and plans for building have been prepared. An additional \$50,000 will be required if adequate buildings and equipment are to be furnished for the proper care of the unfortunate young girls committed to the institution. Money cannot be spent for a better purpose or with the expectation of better returns than for the reformation and reclamation of the girls who, through lack of wholesome home influences, have stepped from the path of rectitude and are just starting on the high road to ruin and shame. I trust the bill for this worthy purpose may meet with your unanimous support.

SEVENTH—FERTILIZER TAGS.

There are left on hand fertilizer tags which cannot be used unless special authority is given by your honorable body. Such authority would work a saving of approximately \$5,000 to the State.

EIGHTH—UNINCORPORATED ASSOCIATIONS.

Under the decisions of our courts a suit cannot be maintained against an unincorporated association, but such suit must at law proceed against all of the members composing the association, however numerous they may be. In the case of large associations it is manifestly impossible to maintain a suit naming all of the members as party defendants, and as such suit on objection of any defendant must name all defendants it therefore follows that such organizations are free to contract without being held liable to their contracts and may with impunity violate laws by concerted action of their members without any personal or collective responsibility. The necessity for such a law is shown by a recent decision of the Supreme Court in the case of *Green vs. The Brotherhood of Locomotive Engineers*. A jury in that case held that Mr. Green was entitled to substantial damages, but because the Brotherhood could not be sued as an organization, being unincorporated, he will not be able to reap the benefits of his verdict.

In the recent trouble in the coal mining district the United Mine Workers of America violated with impunity contracts they had made and by acts of violence destroyed property. Although the organization boasts of its wealth, the contracting parties and the parties whose property has been destroyed have no recourse because it is impracticable to bring suit against the hundreds of thousands of members of the organization.

XIX

No sound reason can be shown why an organization, whether composed of laborers or employers, of individuals or corporations, should not be suable just as individuals are suable and therefore, I recommend the passage of a bill providing that suits may be instituted against unincorporated associations and societies.

NINTH—UNIVERSITY COAL LANDS AND CONVICT LEASES.

At your 1919 session you enacted a law authorizing the Governor to investigate the feasibility of developing coal lands belonging to the University of Alabama and appropriating the sum of \$250,000 for development purposes. After making a careful inquiry into the subject I arrived at the conclusion that the proposed development was not practicable at this time. The act further provided that on and after January 1, 1923, it shall be unlawful for any person to lease for hire any State or county convict to any person, firm or corporation.

Not only has it been found impracticable to develop the University coal lands, but a satisfactory substitute for the lease system now in effect has not been found. The present leases do not expire until December 31, 1922. In view of the fact that the responsibility for the conduct of the convict department during the four years following that date will rest upon the next administration, I deem it but just, proper and expedient that that administration should make the plans and put into effect the regulations under which the department is to be conducted at least during its incumbency.

I, therefore, recommend that the law be amended so as to extend the time for making the change in the system to a date not earlier than December 31, 1924.

TENTH—WATER SUPPLIES.

The State Health Officer has advised me that the City of Talladega is without the supply of pure and wholesome water which is necessary to the health and well being of its citizenship and that the city is without funds sufficient to acquire it. I recommend that such steps be taken by you as may be deemed proper for the relief of Talladega and other cities so situated with regard to their supply of water. It is of particular importance that relief be given to Talladega because the State schools for the deaf, dumb and blind are located there.

ELEVENTH—ADVICE OF SUPREME COURT JUSTICES.

I commend to your favorable consideration the bill providing that the advice of the Justices of the Supreme Court may be furnished to the Governor and the Legislature concerning the

constitutionality of bills proposed to be introduced in the Legislature and bills pending therein.

The economic and administrative value of this procedure is apparent at a glance. If it could have been followed even during the past few years it would have saved to the State in money value probably as much as \$150,000.00, to say nothing of the administrative confusion and demoralization attendant upon the nullification of the Income Tax Law, the Road Bond Amendment, and the Soldiers' Poll Tax Amendment.

Within the past year a decision of the Supreme Court nullified some twenty-five or thirty legislative acts based upon illusory classifications by population, involving counties or municipalities, and in many cases relating to the collection or disbursement of public funds, with serious results to those concerned.

Outside of these more striking instances, our Supreme Court reports present a long succession of legislative acts, both general and local, which have fallen under the judicial axe, and many of these which were of the highest value in governmental finance or administration could have been rendered immune to every form of attack to which all statutes and acts are now systematically subjected by the astuteness of lawyers, by the simple and effective precaution herein suggested. Even where an act is in its substance violative of the organic law, it would be a valuable saving of time and labor to be advised of its infirmity in advance of its attempted operation.

This practice has been in force in Massachusetts and other New England states for a great many years, and seems to have fully vindicated its practical value, and freedom from valid objections.

It is to be observed of course that, under the Constitution of Alabama, the duty and labor of rendering the opinions herein proposed probably cannot be imposed upon the Supreme Court as a court, but must be imposed upon the Justices of the court as a special tribunal of individuals. For the onerous extra-judicial duties thus imposed it seems proper that the moderate compensation suggested by the bill should be allowed to the Justices, which, however, is a mere bagatelle in comparison with the advantages, pecuniary and otherwise, accruing to the State, its municipalities, and the public at large.

The special advantage to be derived from the prompt passage of the bill to take effect immediately upon its approval is obvious.

TWELFTH—TO PROVIDE FOR SUBSTITUTION OF TAX RECORDS.

During last winter one of the blackest pages in Alabama history was written. The assessment of taxes for the fiscal year ending September 30, 1921, had been about completed to the satisfaction of practically all of the tax payers of the State, there

being not a single appeal in a majority of the counties and but very few in any of them, when a general business depression set in. At such an auspicious time, when there should have been a call by every good citizen to stand true to his State, a number of unpatriotic persons started a campaign of agitation having for its avowed purpose a reassessment of the tax values of property throughout the State. Some of these persons, prompted by the selfish desire to avoid paying their just part of the expense of the schools and other institutions of the State, were willing to place the State to the enormous expense such action would incur, hoping that the influence of the financial depression would enable them to secure a lower valuation than that from which many never even appealed as provided by law; others thinking that this appeal to prejudice would be popular have sought to build themselves political success by joining the movement, being willing to advance their selfish interest at the expense of the State and its institutions; others have innocently and unwittingly been made a part of a movement which in its ultimate result has borne the fruit of treason to the State, and created a partial state of anarchy in one county.

A systematic plan of propaganda was established for the undermining of confidence in the method of administering the tax laws, a law which permits more appeals to the tax-payer than any law ever enacted in Alabama, thus seeking to destroy the taxing machinery. All sorts of misrepresentations and demagogic appeals to the prejudice and passions of the people have been resorted to, with the natural result that some good people were made to believe that grave injustices were intentionally done them in the matter of property assessment. One cannot contemplate the effort made to destroy the State in this particular without being reminded of the German propaganda promulgated during the war to weaken our faith in our country and to divide our allegiance to the fighting men, a crime which during the war was punishable by death.

In my opinion the logical result of this propaganda was found in Coffee County where thieves broke into the tax assessor's room in the court house at Elba and stole the records of assessments. The fact that they took every book or document referring to the assessments would clearly indicate that the thieves were coached as to the legal effect of the documents and books or were men who had such information. Notwithstanding a wide belief among the best element of citizenship of the town and county that certain men were either guilty of the theft or counseled it, and in spite of the extraordinary efforts on the part of State and county officials to bring the thieves to justice, the persons who committed this outrage and their advisers are still at large, evidencing how well the propaganda has borne fruit of anarchy in that section.

At great labor and expense to the State and county the State Tax Commission has duplicated the records as far as possible by consent of many of the good people of that county. At this time, however, when every good citizen should advise the citizens of the county to assist in duplicating the records so that local school funds might be secured and their taxes paid, I am advised that some of those in Coffee County prominent in the movement heretofore mentioned, realizing that there was no provision of law for substituting such records, used all the influence and effort at their command to prevent people from co-operating in the establishment of these records and prevented many who were disposed to so co-operate from so doing. Such reprehensible conduct has made it necessary that I request the passage of a bill providing for the duplication of these records, that the work might be expedited and be accomplished justly and fairly to all.

THIRTEENTH—BOYCOTTS, BLACKLISTING, ETC.

The recent coal strike in this State developed the fact that our civil and criminal statutes were inadequate to promptly and properly deal with the conditions which existed just prior to and after the strike was declared. It was then discovered that by reason of the inadequacy of the statutes of this State, relating to strikes, boycotts, blacklisting, etc., that the civil authorities were unable to prevent or even check many wrongful acts which inevitably led to the calling of the strike and to the perpetration of many heinous crimes which attended and followed the strike. Acts of violence and commission of more serious crimes against both person and property of citizens, the inability of the civil authorities to check or control such unlawful actions on the part of those connected or sympathizing with the strikers necessitated calling out the State militia to preserve peace and order in the coal mining districts of the State. While martial law was not absolutely declared, nor the civil law actually suspended, the condition of affairs was so critical and so serious that at times it appeared almost imperative that martial law should be declared in the coal mining districts of the State. The only justifiable cause for calling out the military forces of the State or Nation is the inability of the civil authorities or inadequacy of the civil or criminal laws to so deal with the situation or condition as to secure peace and good order. If the statutes of the State had been adequate and the civil authorities had been able to promptly and properly deal with the conditions in the incipency of the labor trouble in the mining districts, much, if not all, of the great loss of life, property, and the incurring of enormous expenses of the State could have been avoided.

I, therefore, request that the statutes be amended and revised, so as to promptly and properly deal with such situation, if it should again occur.

With some few exceptions and limitations not necessary to here point out, the following I conceive to be well recognized, if not universal, maxims as to the inalienable rights of American citizens.

First. Every citizen has the inalienable right to work or not to work; to work for whomsoever he pleases, and at whatsoever price or on whatsoever terms he pleases, provided his employer agrees to his terms.

Second. Every citizen has the inalienable right to employ or refuse to employ whomsoever he pleases, and to employ them at whatsoever price or on whatsoever terms he pleases, provided his employees agree to his terms.

Third. No man has the right to say to another: "You shall work," or "You shall not work;" or that "You shall work for this man, but not for that one;" or that "You shall work at this price, but not at that price;" or that "You shall work upon these conditions, but shall not work upon those conditions."

That ancient maxim—"So use your own as not to injure another's property"—should apply to the right to labor as well as that of property, the mere fruits of labor. The statutes of this State in so far as they can be made to do so ought to expressly declare, preserve, and guarantee the above as well as the other inalienable rights of citizens of this State.

Such conditions as existed in the coal mining districts of this State, under the leadership of irresponsible foreign agitators, if not the result or product of socialism, certainly tend to encourage or promote socialism, which often results in anarchy. Socialism is the sower of the seeds, and anarchy is the reaper of treason against the government. A conspiracy to injure the public, or the practice of acts and the teachings of doctrines with the intent or purpose, or the natural or probable result of which is to injure the public, was a crime at common law, and ought to be so declared by statute, with appropriate penalties. A conspiracy to starve or freeze the public, or even an agreement to do acts, the natural and probable result of which is to cause great suffering or inconvenience to the public, is little less than treason against the government, when the government is like ours—nothing but the public or the people.

FOURTEENTH—DEPOSIT AND KEEPING OF COUNTY FUNDS.

I recommend to you for your consideration a bill to further provide for the depositing and safe-keeping of all funds and moneys of the counties in this State; to the end that the counties shall receive interest on such funds instead of individuals or

private institutions. The county funds of some of the largest counties in the State under the existing laws are so deposited as to deprive the counties and tax payers thereof of all interest which could and ought to accrue on account of the deposits of such county funds.

The legislation which I propose on this subject does not repeal or take the place of the existing statutes as to county depositaries, nor does it abolish the office of county treasurer in counties having a population of more than fifty thousand. The act proposed is intended to supplement, complement, and harmonize the existing laws upon the subject. It does not abolish or terminate any contract or agreement now existing as for the custody or control of county funds in those counties in which the office of county treasurer has been abolished. The proposed act, however, does apply to those counties after the termination of the existing contracts as to the custody and control of the funds, and hereafter makes the county depositaries or other custodians of county funds liable and amenable to all actions, suits or proceedings to which county treasurers are now liable. Its effect in this respect is to make all county depositaries or custodians of county funds liable to the same proceedings and actions which are applicable to county treasurers, whether it be an ordinary action or suit, a summary proceeding or extraordinary proceeding, such as mandamus, quo warranto, etc. In counties which have no county treasurers and depositaries take their places, the depositaries should be liable to all actions or proceedings to which county treasurers are liable. In counties which have county treasurers the counties should have the benefit of the interest on county deposits just as do the counties which have no county treasurers.

FIFTEENTH—CONSERVATION OF SALT WATER SHRIMP.

The Legislature wisely enacted a measure for the protection of salt-water shrimp, which Act was approved September 2nd, 1919.

Under the vigorous administration of this statute by the Department of Conservation, the shrimp industry on the Alabama coast, and especially at Bayou La Batre, has grown tremendously, and the people engaged in catching and packing shrimp are enjoying an unprecedented era of prosperity.

Under the provisions of Section 8 of the shrimp act, it was made unlawful to transport fresh shrimp by water to a point beyond the boundary line of the State of Alabama unless the usual market price paid by canneries and dealers for shrimp, in the place to which they were transported, was higher than the price paid for shrimp in this State. This Section also provided that a tax of 20c per barrel should be paid on such shrimp.

Section 12 of the same Act stipulated that no person who has not been a bona fide resident of the State for more than one year, next preceding, should be permitted to catch shrimp from the waters of this State, to be shipped without the State by water.

Prior to the enactment of the shrimp law, Mississippi shrimpers persisted in encroaching upon the waters of Alabama in such numbers as to reduce our own supply of shrimp and to deplete the species.

The enforcement of the provisions of the shrimp law caused a shrimp packer of Biloxi, Mississippi, to file a bill in the District Court of the United States at Montgomery, against the Commissioner of Conservation, averring that Sections 8 and 12 of the Act for the protection of shrimp were violative of the Constitution of the United States; whereupon the court enjoined the Commissioner of Conservation from enforcing Sections 8 and 12 of the shrimp law.

While the counsel for the State insist that the Sections referred to are not in conflict with the Federal Constitution, yet the expense incident to appealing the case to the United States Supreme Court and the economic loss of shrimp to the people of Alabama, in the meanwhile, would be so great that, as a practical proposition, the alleged defects in the shrimp act can be more speedily and effectively remedied by the enactment of a measure, making it unlawful for any non-resident of the State to catch salt-water shrimp within the waters of Alabama, or to transport by any manner or means whatsoever fresh salt-water shrimp, within or without the State.

The foregoing recommendations, I am advised, will meet every constitutional objection which has been raised to the present shrimp act, and will conserve for the use and benefit of our own people a wonderful natural resource—an excellent food supply—which is not the property of individuals but which belongs to the people of Alabama.

SIXTEENTH—CHANGE OF VENUE.

Under the present statutes of this State there can be but one change of venue in a criminal case. As a rule this is all that is necessary to assure a person charged with the commission of a felony a fair and impartial trial. If after the circuit judge makes an order of removal it is found that the county to which the removal is made is not free from objection and that a fair trial cannot be had no power is vested in any court to order a removal to a county free from objection. In such a case the circuit judge has but one alternative and that is to continue the case. Nothing tends more to break down the effective administration of our criminal laws than delayed trials. I, therefore,

recommend that in such cases the Supreme Court be vested with the authority to order a change of venue and thereby remove this possible delay to trials.

SEVENTEENTH—PENALTY FOR FAILURE TO COMPLY WITH SECTION 7654.

Section 7654 of the Code of 1907 provides that when any defendant, on conviction, is sentenced to imprisonment in the penitentiary for the term of five years or more, it is the duty of the presiding judge to make a statement in writing, setting forth the name of the defendant, the term of the court at which he was tried, the offense of which he was convicted, the character of the evidence against him, the circumstances of aggravation or mitigation developed on the trial and the proof in reference to his previous character, which statement must be signed by the judge, and must, within thirty days thereafter, be transmitted by the clerk to the Governor, to be filed in the executive office.

The obvious purpose of this law is to furnish the Governor and the Board of Pardons with information that is absolutely necessary to a proper consideration of many applications for paroles and pardons. It frequently occurs that judges and solicitors upon whom the Board of Pardons and the Governor must necessarily rely for such information have died or if living have forgotten the circumstances surrounding the conviction of felons. In such cases the reports provided for by the statute are invaluable.

Notwithstanding I have written every circuit judge and every circuit court clerk in the State, calling attention to the statute and requesting compliance with it, only four or five have responded.

I, therefore, request that you amend the statute so as to provide a suitable penalty for failure to comply with its provisions.

In conclusion, senators and representatives, allow me to again express my conviction that cordial relations and hearty co-operation between the Legislature and Executive Departments of the government are essential to the best interests of the State. Let us subordinate all minor considerations to the public good and labor together for the welfare of the State and the people.

Respectfully,

THOS. E. KILBY,
Governor.

Oct. 4, 1921.

GENERAL LAWS

No. 1)

(S. 21—Teasley

AN ACT

To propose an amendment to Section 93 of the Constitution of the State of Alabama, and to order an election by the qualified electors of the State upon such proposed amendment to be held at the general election next succeeding this Special Session of the Legislature.

Be it enacted by the Legislature of Alabama:

The following amendment to Section 93 of the Constitution of Alabama is hereby proposed and an election is hereby ordered by the qualified electors of the State upon such proposed amendment, which election shall be held at the general election next succeeding the present extra session of the Legislature at which this amendment is proposed. The proposed amendment is as follows, viz:

“Section 93. The State shall not engage in works of internal improvement, nor lend money or its credit in aid of such, except as may be authorized by the Constitution of Alabama or amendments thereto; nor shall the state be interested in any private or corporate enterprise, or lend money or its credit to any individual, association, or corporation, except as may be expressly authorized by the Constitution of Alabama, or amendments thereto; but when authorized by laws passed by the Legislature the state may appropriate funds to be applied to the construction, repair, and maintenance of public roads, highways, and bridges in the state; and when authorized by appropriate laws passed by the Legislature, the state may at a cost of not exceeding ten million dollars engage in the work of internal improvement, of promoting, developing, constructing, maintaining, and operating all harbors or seaports within the state or its jurisdiction, provided, that such work or improvement shall always be and remain under the management and control of the state, through its State Harbor Commission, or other governing agency. The adoption of this amendment shall not affect in any manner any other amendment to the Constitution of Alabama which may be adopted pursuant to any act or resolution of this session of the Legislature.”

Section 2. Notice of the election hereby ordered together with the amendment hereby proposed, shall be given by a pro-

clamation of the Governor, which shall be published in one newspaper once a week in each county in the state, for at least eight successive weeks next preceding the day hereby appointed for such election.

Section 3. At the election hereby ordered to be held as herein provided, the qualified electors shall vote on said proposed amendment, and on the official ballot printed for such election there shall be printed the following, viz: "Shall the following be adopted as Section 93 of the Constitution of Alabama? The State shall not engage in works of internal improvement, nor lend money or its credit in aid of such except as may be authorized by the Constitution of Alabama or amendments thereto; nor shall the State be interested in any private or corporate enterprise, or lend money or its credit to any individual, association, or corporation, except as may be expressly authorized by the Constitution of Alabama, or amendments thereto; but when authorized by laws passed by the Legislature the State may appropriate funds to be applied to the construction, repair and maintenance of public roads, highways, and bridges in the State; and, when authorized by appropriate laws passed by the Legislature, the State may, at a cost of not exceeding ten million dollars, engage in the work of internal improvement, of promoting, developing, constructing, maintaining and operating all harbors or seaports within the State or its jurisdiction, provided that such work or improvement shall always be and remain under the management and control of the State, through its State Harbor Commission, or other governing agency. The adoption of this amendment shall not affect in any manner any other amendment to the Constitution of Alabama which may be adopted pursuant to any act or resolution of this session of the Legislature. "Yes" "No....." The choice of the elector shall be indicated by a cross mark made by him or under his direction, opposite the word expressing his desire.

Section 4. The votes cast at such election shall be canvassed, tabulated, and returns thereof made to the Secretary of State, and counted in the same manner as in elections for Representatives to the Legislature; and if it shall thereupon appear that a majority of the qualified electors who voted at such election upon the proposed amendment voted in favor of the same, such amendment shall be valid to all intents and purposes as a part of the Constitution of the State of Alabama. The result of such election shall be made known by a proclamation of the Governor.

Approved October 22, 1921.

No. 2)

(S. 1—Brown

AN ACT

To amend Section 7654 of the Code of Alabama of 1907.

Be it enacted by the Legislature of Alabama:

Section 1. That Section 7654 of the Code of Alabama of 1907 be and the same is hereby amended to read as follows:

"Section 7654 (5451) (4524) (5004) (4327) (776) Statement filed by judge in executive office; when required. When any defendant, on conviction, is sentenced to imprisonment in the penitentiary for the term of five years or more, it is the duty of the presiding judge to make on forms to be provided by the Board of Pardons, a statement in writing, setting forth the name of the defendant, the term of the court at which he was tried, the offense of which he was convicted, the aggravation or mitigation developed on the trial, and the proof in reference to his previous character; which statement must be signed by the judge, and must, within thirty days thereafter, be transmitted by him to the governor, to be filed in the executive office. Failure to make and transmit such statement within the time hereinabove specified shall be deemed prima facie evidence of neglect of duty.

Approved October 21, 1921.

No. 3)

(H. 50—Sparks.

AN ACT

To amend subdivision (h) of Section Two (2) of an act entitled, "An Act to provide for the General Revenue of the State of Alabama," approved September 15, 1919.

Be it enacted by the Legislature of Alabama:

That subdivision (h) of Section Two (2) of an act entitled "An Act to provide for the General Revenue of the State of Alabama," approved September 15, 1919, be, and the same is hereby, amended so as to read as follows: (h) That on and after Oct. 1st 1921 no license or taxation of any character, except franchise taxes, as provided by section 229 of the Constitution of the State of Alabama, shall be collected by, or required to be paid to, the State or any county or municipality therein, by any state or county fair, agricultural association, fair association, stock, or poultry show, or from those who conduct business under contract with such fair, association or show, on premises owned or controlled by it, during the annual fairs or exhibits of such associations.

Approved October 21, 1921.

No. 5.)

(H. 22—Tompkins)

AN ACT

To propose an amendment to the Constitution which will exempt certain persons who served in the military or naval services of the United States between January 1, 1917, and November 11, 1918, from liability and payment of poll taxes, and to qualify such persons to vote or to hold office in the State of Alabama; and to order an election by the qualified electors of the State upon such proposed amendment to be held on the first Monday after the expiration of three months from and after the final adjournment of the present special session of the Legislature.

Be it enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama is hereby proposed, and an election is hereby ordered by the qualified electors of the State upon such proposed amendment, and the day hereby appointed for such election is the first Monday after the expiration of three months from and after the final adjournment of the present extra session of the Legislature at which this amendment is proposed. The proposed amendment is as follows:

Section 194½. No person who honorably served in the military or naval service of the United States between January 1, 1917, and November 11, 1918, shall be required to pay the poll tax mentioned in the Constitution of Alabama prior to October 1, 1923; such persons shall be exempt from the payment of all poll taxes which have or may hereafter accrue prior to October 1, 1923. This section shall be self executing and retroactive. The judges of probate shall issue certificates of exemption from the payment of such poll taxes to the persons entitled thereto under such rules and regulations as may be prescribed by the Governor.

Section 2. Notice of the election hereby ordered, together with the amendment hereby proposed, shall be given by a proclamation of the Governor which shall be published in one newspaper once a week in each county in the State, for at least eight successive weeks next preceding the day hereby appointed for such election.

Section 3. At the election hereby ordered to be held as herein provided, the qualified electors shall vote on said proposed amendment; and on the official ballot printed for such election there shall be printed the following; viz, "Shall the following be adopted as Section 194½ of the Constitution of Alabama?" "No person who honorably served in the military or naval service of the United States between January 1, 1917, and November 11, 1918, shall be required to pay the poll tax mentioned in the Constitution of Alabama prior to October 1, 1923; such persons

shall be exempt from the payment of all poll taxes which have or may hereafter accrue prior to October 1, 1923. This section shall be self executing and retroactive. The judges of probate shall issue certificates of exemption from the payment of such poll taxes to the persons entitled thereto under such rules and regulations as may be prescribed by the Governor. "Yes No.....". The choice of the elector shall be indicated by a cross mark made by him or under his direction opposite the word expressing his desire.

Section 4. Officers to hold such election shall be the same, and shall be appointed in the same manner and by the same officials as now provided by the election laws of the State for the appointment of officers to hold elections in this State, and the election shall be held in all things in accordance with this act, the law governing general elections and the constitutional provisions concerning amendments to the Constitution.

Section 5. The votes cast at such election shall be canvassed, tabulated, and returns thereof made to the Secretary of State, and counted in the same manner as in elections for representatives to the Legislature; and if it shall thereupon appear that a majority of the qualified electors who voted at such election upon the proposed amendment voted in favor of the same, such amendment shall be valid to all intents and purposes as a part of the Constitution of the State of Alabama. The result of such election shall be made known by a proclamation of the Governor.

Approved October 21, 1921.

No. 6)

AN ACT

(H. 19—Dunaway

To appropriate fifty-five thousand (\$55,000) Dollars for defraying the expenses of the Special Session of the Legislature of Alabama, and to provide the manner of paying certain travelling expenses incurred by the Legislature for a special train for the use of the Legislature.

Section 1. *Be it enacted by the Legislature of Alabama, That* the sum of fifty-five thousand (\$55,000) Dollars, or so much thereof as may be necessary, be and the same is hereby appropriated out of any monies in the State Treasury not otherwise appropriated, to pay the per diem and mileage of the members of the Legislature at the Special Session, and all amounts due for the hire of clerks and employees of the Legislature and all other necessary or proper expenses incurred in holding the present Extra Session of the Legislature, including the cost of a special train to carry the members, officers or clerks of the Legislature and State officers to the Semi-Centennial Celebration of the

City of Birmingham, Alabama to show respect to the President of the United States.

Section 2. The State Auditor shall draw his warrant or warrants on the State Treasurer on a voucher or vouchers drawn by the Lieut.-Governor on account or accounts made out and certified by the joint committee of arrangements appointed by the Senate and House of Representatives to pay the cost of the special train to carry the members, officers and clerks of the Legislature and the State officers to the Semi-Centennial Celebration of the City of Birmingham, Alabama.

Approved October 27, 1921.

No. 8)

AN ACT

(S. 58—Espy)

To authorize cities and municipalities of more than 6,000 inhabitants to secure and provide by purchase or otherwise adequate supplies of pure and wholesome water by authorizing such cities or municipalities to mortgage their water works, lighting and power plants and systems and all property used in connection therewith including the franchise or right to operate such plants or supplies, and any additions to be made to such plants or systems; and to pledge the revenues or net proceeds derived from such water works, electric light or power system for the payment of any debts, bonds, or other evidence of indebtedness which may be incurred or issued by the city for the construction, improvement or extension of such system or systems or plants.

Be it enacted by the Legislature of Alabama:

Section 1. All cities and municipalities of 6,000 inhabitants or more in order to secure the prompt and faithful payment of the principal and the interest of all debts, bonds, or other evidence of indebtedness hereafter incurred or issued by such cities for the construction, acquisition, extension or maintenance of water work system or plants, lighting plant, or systems, or power plants or system whether such plants or systems are owned and operated separately or in conjunction may execute a mortgage or deed of trust upon any or all of any such plants or systems and all property used in connection therewith, including the franchise or any part thereof, whether such property is now owned or hereafter acquired by such city.

Section 2. Such mortgage or deed of trust may contain such terms, conditions covenants, and warranties for the protection of the municipalities and holders of such bonds or securities issued by such cities or municipalities as may be determined and agreed upon by the governing body of such cities or municipalities and persons, firms, or corporations, owning such debts, bonds or securities; and such mortgages may provide that

in the event of the foreclosure of such mortgage or deed of trust that the purchaser at such foreclosure sale may acquire the right, privilege, and franchise of operating such plants or systems as may be so sold or conveyed and such purchaser or his vendee may have the right, authority and privilege to carry on and operate such business, plant, or system in the same manner, on the same terms, and to the same extent as the cities or municipalities are now authorized to operate until the city or municipality may redeem such plants or systems from such mortgage sale.

Section 3. Such mortgage or deed of trust hereby authorized may provide that during the ownership of the plant or system by the municipality that its control of the service of the system or systems shall not be diminished or interfered with by the grant of any other franchise for the operation of any other plant or system for similar purposes; and that such rates and charges shall be established and maintained sufficient to meet the costs of operation and maintenance; and that such cities and municipalities may pledge all of the receipts, earnings and revenues from the operation of any and all of such plants for the payment of the debts, bonds, or other evidences secured by such mortgages or deeds of trust.

Section 4. All cities and municipalities of more than 6,000 inhabitants which own and operate an electric light plant or system or any power plant of any kind may combine such electric light and power plants and system with the water works or water works system owned and operated by the city and that the receipts and revenues derived from the electric light plant, and works, or from such power plant may be applied in payment of or pledged to secure the payment of any indebtedness incurred by the city in the construction or maintenance, extension of its water works system or any additions or improvements; and that any electric or hydro-electric power or power plant of similar kind owned and operated by any of the cities and municipalities within the provisions of this act may use such lighting or power plants and system for the operation of its water works system and plant.

Section 5. To further enable the cities and municipalities of more than 6,000 inhabitants to secure and provide by purchase or otherwise adequate supplies of pure and wholesome water such cities or municipalities are hereby authorized to borrow money, to purchase on credit all materials, property or supplies needed in the construction, maintenance, extension, or operation of their systems or plants for water works; and to issue evidences of such indebtedness by notes, bills, bonds, mortgages, or other securities, and to consolidate or combine their water work systems or plants with their lighting or power plants and

systems and to use any part of the one system or plant for the operation of the other plant or system and to use the net proceeds, receipts, or revenues from the lighting or power plant for the payment or security of any debt incurred in the construction, maintenance, extension or operation of the water works system.

Approved October 27, 1921.

No. 9)

AN ACT

(S. 6—Acker

To provide for refund of money paid into the State treasury for bonds or securities issued or proposed to be issued under provision of an invalid Act, resolution or proposed amendment to the State Constitution.

Be it enacted by the Legislature of Alabama:

Section 1. That in cases where any person, firm, or corporation has, or may hereafter, purchase of the State, or of its officers acting under authority or under color of authority purporting to be conferred by an act or resolution of the Legislature of this State, bonds or securities issued or proposed to be issued in consideration of funds or money which such person, firm, or corporation has actually paid or caused to be paid into the treasury of the State, and where for any reason such bonds or securities have not been, or cannot be, issued and delivered or if issued and delivered, have been declared invalid by the Supreme Court, such person, firm, or corporation may have the funds of money so paid into the treasury of the State refunded, together with interest thereon at the rate of interest said bonds or securities proposed to bear from the date of the payment of said funds or money into the treasury, on complying with the provisions and requirements of this Act in that regard.

Section 2. Any person, firm or corporation entitled to the benefits of Section 1 of this Act, and desiring to obtain relief hereunder, may file an application with the Auditor of the State, stating the facts upon which relief is sought, verified by his affidavit or that of a duly authorized agent or representative having knowledge of the facts and when such an application is filed it shall become the duty of the Auditor to ascertain from the records of the treasury department and other records, whether the facts are correctly set forth in the application, and if it shall be made to appear to the satisfaction of the Auditor that the State has actually received the funds or money of the applicant under the circumstances named in Section 1 of this Act, upon the approval of the Governor and the Treasurer, the Auditor shall draw a warrant on the Treasurer for the payment of such person, firm or corporation, of the amount of such funds

of money, together with interest thereon at the rate said bonds or securities proposed to bear from the time said funds or money was paid into the Treasury.

Section 3. This Act shall take effect upon approval.

Approved October 28, 1921.

No. 10)

AN ACT

(S. 19—Cowan

To appropriate seventy-five thousand dollars (\$75,000.00) to the State Training School for Girls for the purpose of constructing, improving, or repairing houses, buildings, or structures for the said Training School for Girls.

Be it enacted by the Legislature of Alabama:

Section 1. There is hereby appropriated out of any moneys in the State Treasury not otherwise expended the sum of seventy-five thousand dollars (\$75,000.00) to be expended by the State Board of Control and Economy for the benefit of the State Training School for Girls, subject to the approval of the Governor and the Attorney General of this State. The appropriation is for the purpose of constructing, erecting, repairing, or improving houses, buildings, or structures for the said Training School for Girls. The money hereby appropriated shall be paid out of the State Treasury only upon the warrant of the State Auditor, which warrant shall be drawn only upon the order or orders of the Board of Managers of the State Training School for Girls, which shall be approved by the Governor and the Attorney General of this State.

Approved October 27, 1921.

No. 11)

AN ACT

(S. 15—Caffee.

To amend Sections 28, 29, and 32 of the Code of Alabama of 1907 which said sections were amended by An Act approved April 8, 1911; and to amend Section 24 of said Code.

Be it enacted by the Legislature of Alabama:

Section 1. That Section 24 of the Code of Alabama of 1907 be and the same is hereby amended to read as follows:

"Section 24. (378) To regulate the registration, branding, sale, tagging, and analysis of fertilizers. All manufacturers, jobbers, and manipulators of commercial fertilizers and fertilizer materials to be used in the manufacture of the same, who may desire to sell or offer for sale in the State, such

fertilizers and fertilizer materials, shall first file with the Commissioner of Agriculture and industries upon forms furnished by the said Commissioner, the name of each brand of fertilizer, acid phosphate fertilizer materials, or chemicals which they may desire to sell in said State, either by themselves or their agents, together with the name and address of the manufacturer or manipulator, also the guaranteed analysis thereof, stating the sources from which the phosphoric acid, nitrogen, and potash are derived. It shall be the duty of each such person, firm, or corporation to notify the commissioner of agriculture and industries, in writing, by mail or otherwise, as may be most convenient, on day of shipment or twenty-four hours thereafter, of every such shipment when exceeding five tons of fertilizer or fertilizer materials; such notice to state the brand name, number of sacks, the weight of each sack, and to whom shipped and addressed."

Section 2. That section 28 of the Code of Alabama of 1907 as amended by An Act approved April 8, 1911 be and the same is hereby amended to read as follows: Section 28 (382). Tags supplied by Auditor and account kept against Commissioner. Upon the receipt of such requisition the Auditor must have printed from a suitable design, registered in the United States patent office in the name of the Governor of the State of Alabama, the required number of tags of suitable material and numbered consecutively on the back beginning with number one, with proper fastenings for attaching the same to packages, bags or barrels of fertilizers; and there shall be printed thereon the words, "Guaranteed," and a facsimile signature of the Auditor and Commissioner, and there shall also be printed thereon "Alabama Tag Tax," "Three Cents," to be attached to the packages, bags or barrels of fertilizers weighing two hundred pounds and "Alabama Tag Tax," "One and One-Half Cents," to be attached to packages, bags, or barrels of fertilizer weighing one hundred pounds or less. The Auditor as soon as practicable, must deliver these tags to the Commissioner at the Capitol, taking his receipt therefor; and the Auditor shall keep a true and correct account with the Commissioner, charging him with all tags furnished at the price of three cents each for tags to be attached to packages, bags or barrels of fertilizer weighing two hundred pounds, and one and one-half cents each for tags to be attached to packages, bags, or barrels of fertilizer weighing one hundred pounds or less, and shall credit him with all legally accounted for at the same price at which they were charged. The Commissioner must report to the Auditor at the end of each month the number of tags of each denomination sold during the month, giving the number of same, and credit therefor must be given as above provided."

Section 3. That section 29 of the Code of Alabama 1907 as amended by an Act approved April 8, 1911, be and the same is hereby amended so as to read as follows: Section 29 (383) Disposition of surplus at the end of each fiscal year and how credit given therefor. All tags remaining in the hands of the Commissioner of Agriculture and Industries at the end of the fiscal year, September 30, 1921, and at the end of each fiscal year thereafter must be checked and counted by or under the supervision of the Chief Examiner of Accounts who shall make a certificate showing that such count has been made by a member of the department of examiners of accounts, the persons making said check and count, the gross number of tags on hand, and the number and series of said tags, which certificate shall entitle the Commissioner of Agriculture and Industries to a credit therefor on his account with the Auditor for that fiscal year at the rate at which he was charged for each such tag and the said Commissioner shall be charged by the Auditor with said tags on his account for the next succeeding fiscal year. Such tags remaining on hand shall be sold and used for the succeeding fiscal year."

Section 4. That Section 32 of the Code of Alabama of 1907 as amended by an Act approved April 8, 1911, be and the same is hereby amended to read as follows: Section 32. (386) (141) Any tags left in the possession of a manufacturer, manipulator or agent representing them at the close of fiscal year, which fiscal year shall be comprised between the dates Oct. 1st, and September 30th, inclusive, shall within fifteen days make a sworn report to the Commissioner of Agriculture and Industries showing the number of tags on hand and the number and series of said tags; that it shall be unlawful for such persons to use for the next fiscal year, tags reported on hand as herein provided except upon receipt by such party making such report of a permit from the Commissioner of Agriculture and Industries authorizing the use thereof. Tags remaining on hand at the end of a fiscal year and not reported by such persons shall be void. Any person who knowingly files with the Commissioner of Agriculture and Industries a sworn report required by this Section which contains any material false representations shall be guilty of perjury. There shall be a different color for each of the denominations and series provided for, and there shall not be printed upon said tags any brand, name or analysis. Any sale or exchange, of fertilizers not so tagged, is void."

Section 5. That this Act shall take effect immediately upon its passage and approval by the Governor.

Section 6. That all laws or parts of laws in conflict with the provisions of this Act be and the same are hereby repealed.

Approved October 28, 1921.

AN ACT

For the further protection of salt water shrimp within the waters of the State of Alabama and within the waters subject to the territorial jurisdiction of said State. To provide that no non-resident of the State of Alabama shall take, transport or have in possession any such fresh salt water shrimp at any season of the year; to provide that no person, firm, partnership, or corporation shall ship, transport, take or carry by any manner or means whatsoever, during any month of the year, to any point beyond the boundary line of the State of Alabama any raw shrimp or shrimp in the fresh state, taken in the waters of this State or the waters subject to the territorial jurisdiction of the State of Alabama; to authorize the issuance of licenses to persons seining or trawling for such salt water shrimp; to provide a license on all boats used for the purpose of drawing a seine, or trawl, used in catching such salt water shrimp, or hauling or carrying such shrimp; to provide a tax on all salt water shrimp taken in the waters within the State of Alabama or within the waters subject to the territorial jurisdiction of said State, and to provide penalties for violations of the provisions of this Act.

Be it enacted by the Legislature of Alabama:

Section 1. That it shall be unlawful for any person who has not been a bona fide resident of the State of Alabama for one year, then passed, to catch or attempt to catch any salt water shrimp, within the waters of the State of Alabama or within the waters subject to the territorial jurisdiction of said State, by the use of any seine or other device for the purpose of catching salt water shrimp.

Section 2. That it shall be unlawful for any person who has not been a bona fide resident of the State of Alabama for one year, then passed, to transport by any manner or means whatsoever, within or without the State, or to take or carry, within or without the State, any such salt water shrimp in the fresh state, or to have such salt water shrimp in possession for any purpose whatsoever during any month of the year.

Section 2½. It shall be unlawful for any person, firm; partnership or corporation to ship, transport, take or carry by any manner or means whatsoever, during any month of the year, to a point beyond the boundary line of the State of Alabama, any raw shrimp or shrimp in the fresh state, which shrimp have been taken in the waters of the State, or the waters subject to the territorial jurisdiction of the State of Alabama.

Section 3. That it shall be unlawful for any person, firm, corporation or partnership to catch or attempt to catch any such salt water shrimp by the use of any seine, trawl, or other devices, except cast nets, for the purpose of catching salt water shrimp, unless an annual license fee, due and payable on the 1st day of August in each and every year, at the rate herein

provided is paid and the said annual license shall be at all times in possession of the party, or parties, operating a seine for the purpose of taking salt water shrimp, such licenses to be issued by the Department of Conservation, State of Alabama, and the proceeds thereof to be paid into the State treasury and placed to the credit of the oyster fund; the following license tax shall be paid by persons operating seines, or trawls, for the purpose of taking or catching salt water shrimp; on all seines or trawls up to thirty feet in length, \$7.50; on all seines from thirty to three hundred feet, \$15.00; from three hundred feet to nine hundred feet, \$22.50, and over nine hundred feet, \$37.50.

Section 4. That it shall be unlawful for any person to use any boat for the purpose of drawing a trawl or seine used in catching such salt water shrimp, or for the purpose of hauling or transporting such shrimp, without first having secured an annual license permitting him or her to do so, which license shall be due and payable on the first day of August in each and every year, such license to be issued by the Department of Conservation, State of Alabama, and the proceeds thereof to be paid into the State treasury and placed to the credit of the oyster fund. For each and every boat, so operated, up to five ton capacity, there shall be an annual license fee of \$7.50, for every boat from five to fifteen tons capacity, there shall be an annual fee of \$22.50, and for all boats over fifteen tons capacity, there shall be an annual license fee of \$37.50.

Section 5. That it shall be unlawful for any person, firm, corporation or partnership, to take or market any such fresh salt water shrimp, or to can, dry, ship or transport, within the State, such fresh water shrimp, unless a tax of twelve cents per barrel be paid by the person, firm, corporation or partnership, catching, canning, drying, shipping, transporting, or purchasing the same for any purpose whatsoever, the said tax to be paid but once; the proceeds of such tax shall be forwarded to the State treasurer and paid into the oyster fund.

Section 5½. That it shall be unlawful for any person, firm, partnership or corporation to pack within the State of Alabama any shrimp which have been taken within the waters of this State, or within the waters subject to the territorial jurisdiction of such State, without printing, or stamping, on the label used on the can, or container, in which such shrimp are packed, the following words: "Packed under the supervision and inspection of the Department of Conservation, State of Alabama."

Section 6. That, under the supervision and direction of the Commissioner of Conservation, the Chief Oyster Inspector and the Assistant Oyster Inspectors shall enforce the provisions of this Act, and shall collect all licenses and taxes named herein; and under the supervision and direction of the Commissioner of

Conservation, the Chief Oyster Inspector shall countersign all licenses required to be issued by the provisions of this Act.

Section 7. That it shall be unlawful for any person, firm, corporation or partnership to catch or have in possession any fresh salt water shrimp of below average medium size, and when any haul is made by any person fishing for salt water shrimp and the shrimp so taken in any haul is below the average medium size, such shrimp shall be immediately returned to the water.

Section 8. That it shall be unlawful for any person to purchase, sell, can, ship or otherwise transport any fresh salt water shrimp which are not in prime condition, that is, suitable to be eaten by human beings as food, and upon condemnation by the Chief Oyster Inspector and his Assistants of any fresh water shrimp which have deteriorated to the extent that they are not suitable for human consumption, the person, firm, corporation or partnership having such fresh salt water shrimp so condemned in his possession shall make such disposition thereof as the Chief Oyster Inspector or his Assistants may direct.

Section 9. That any person, firm, corporation or partnership violating any of the provisions of this Act shall be guilty of a misdemeanor, and upon conviction shall be fined not less than \$100.00 nor more than \$1,000.00 for each offense, which fine shall be paid in lawful money of the United States of America, and shall be forwarded by the Court, collecting the same, to the State Treasury and paid into the oyster fund.

Section 10. That all laws and parts of laws in conflict with the provisions of this Act be and same are hereby repealed. But it is not the purpose nor intention of the Legislature to repeal those statutes for the protection of fresh salt water shrimp other than those in conflict with the provisions of this Act. The provisions of this Act are in the nature of supplementary legislation for the protection of fresh salt water shrimp, and it is not intended to repeal in its entirety an Act for the protection of fresh salt water shrimp, etc., approved September 12, 1919.

Section 11. That this Act shall take effect immediately upon its passage and approval by the Governor.

Approved October 28, 1921.

No. 13)

AN ACT

(H. 30—Ross.

Providing for actions by and against unincorporated organizations or associations and regulating the procedure thereof.

Be it enacted by the Legislature of Alabama:

Sec. 1. An action or suit may be maintained by and in the name of any unincorporated organization or association.

Sec. 2. Actions or suits may be maintained against and in the name of any unincorporated organization or association for any cause of action for or upon which the plaintiff therein may maintain such an action against the members of such organization or association.

Sec. 3. Service of process in such action against such organization or association shall be had by service upon any officer or official member of such organization or association or upon any officer or official member of any branch or local of such organization or association, provided that any such organization or association may file with the Secretary of State a designated officer or agent upon whom service shall be had and his residence within the State and if such designation is so made and filed, service of process shall be had only on the officer or agent so designated if he can be found within the State.

Sec. 4. Such organization or association shall be suable in any action now pending, or any cause of action now existing or hereafter arising. Such action may be maintained in any county where such organization or association does business or has in existence a branch or local organization.

Sec. 5. Where a judgment in such actions is rendered in favor of the plaintiff against such organizations or associations the property of such organization or association shall be liable to the satisfaction of such judgment.

Sec. 6. In case for any reason any paragraph or any provision of this Act shall be questioned in any court of last resort and shall be held by such court to be unconstitutional, or invalid, the same shall not be held to affect any other paragraph or provision of this Act.

Sec. 7. The provisions of this Act shall take effect immediately upon its approval by the Governor.

Approved October 28, 1921.

No. 14)

AN ACT

(H. 78—Smith

To repeal an Act entitled An Act for the protection of human beings and of live stock of all kinds. To impose a license on dogs over the age of three months and to provide further that dogs running at large, except for hounds and deer hounds wearing collars upon which the owners' names and addresses are printed or written, shall wear muzzles; to require the registration of all dogs by the Circuit Clerk in their respective counties; to provide for the necessary supplies to carry this act into effect and to provide for compensating the Circuit Clerk for his services, as required herein; to provide that the funds derived from the license on dogs herein imposed by this act shall be paid to the State Treasurer and kept separate and apart and shall be known as the dog tax fund which fund shall be used in defraying the traveling expenses

to and from the State Pasteur Institute of persons who have been bitten by mad dogs and who are unable to defray their own expenses, also their expenses while under treatment at this institute; likewise the funds created by this act shall be used in remunerating persons who sustain loss from dogs crippling or killing their live stock and poultry, approved September 30, 1919.

Section 1. *Be it enacted by the Legislature of Alabama*, That an act entitled: An Act for the protection of human beings and of live stock of all kinds. To impose a license on dogs over the age of three months and to provide further that dogs running at large except fox hounds and deer hounds wearing collars upon which the owners' names and addresses are printed or written shall wear muzzles; to require the registration of all dogs by the Circuit Clerk in their respective counties; to provide for the necessary supplies to carry this act into effect and to provide for compensating the Circuit Clerk for his services as required herein; to provide that the funds derived from the license on dogs herein imposed by this act shall be paid to the State Treasurer and kept separate and apart, and shall be known as the dog tax fund which fund shall be used in defraying the traveling expenses to and from the State Pasteur Institute of persons who have been bitten by mad dogs and who are unable to defray their own expenses, also their expenses while under treatment at this institute; likewise the funds created by this act shall be used in remunerating persons who sustain loss from dogs crippling or killing their live stock and poultry. Approved September 30, 1919, be and the same is hereby repealed.

Approved November 3, 1921.

No. 16)

AN ACT

(H. 68—Fuller.

To authorize and empower Boards of Revenue in Counties having a population of not less than 75,000 and not more than 95,000 inhabitants according to the Federal Census of 1920, and which may hereafter have such population according to any Federal Census hereafter taken, to expend County Funds not exceeding \$2,500 per annum for County purposes not otherwise provided for by law.

Be it enacted by the Legislature of Alabama, as follows:

Section 1. That Boards of Revenue in counties in this State having a population of not less than 75,000 and not more than 95,000 according to the Federal census of 1920, and which may hereafter have such population according to any Federal census hereafter taken, are hereby authorized to appropriate out of any moneys in the county treasury not otherwise appropriated and to expend not exceeding the sum of \$2500 per annum for

any county purposes not otherwise provided for by law that in their judgment are worthy and for the interest of the county, the fund hereby authorized to be created to be known as the "Contingent Fund."

Section 2. That, under the provisions of Section 1 not more than \$2500 shall be appropriated and expended in any one year, and should any sum or sums remain unexpended in said fund at the end of the year only so much shall be appropriated for the next succeeding year as will together with the sum so remaining unexpended bring the Contingent Fund up to the sum of \$2500.

Approved October 29, 1921.

No. 17)

(H. J. R. 42—Waddell

HOUSE JOINT RESOLUTION.

Whereas, there was appointed a joint committee of the House and Senate of the Legislature of Alabama at the regular session 1919, for the purpose of investigating the Highway Department and the Convict Department which committee made its formal report to the regular session of the Legislature of 1919, and

Whereas said committee was required by the Governor to meet and investigate the Convict Department for the purpose of making a report on said Department to the Special Session of the Legislature of Alabama, and

Whereas it is uncertain whether or not under the provisions of the law the members of said committee are entitled to be paid their per diem during the time they were engaged in making such investigation,

Now Therefore Be It Resolved by the House, the Senate concurring, that the members of said committee be paid their per diem for each day engaged in the investigation of said Convict Department, and that the same be paid out of the appropriation heretofore made for the expenses of this Special Session of the Legislature of Alabama.

Approved October 29, 1921.

No. 18.)

(H. 96—Dansby

AN ACT

To amend Section 3 of an Act entitled "An Act to amend Sections 1 and 2 and 5 of an Act entitled 'An Act to amend the title and Sections 1, 3, 4, 5, 6, 9, 14, 15, 20, 21, 23, 25, 26, 30, 33, 34, 39, 41, 45, and 46 and to repeal Sections 31 and 32 of an Act entitled 'An act to create a banking department of the State of Alabama and through this department to regulate, examine and supervise banks and banking and to punish certain prohibited Acts relating thereto', approved March 2, 1911', approved February 15, 1915", approved September 27, 1919.

Be it enacted by the Legislature of Alabama:

Section 1. That Section 3 of an Act entitled "An Act to amend Sections 1 and 2 and 5 of an Act entitled 'An Act to amend the title and Sections 1, 3, 4, 5, 6, 9, 14, 15, 20, 21, 23, 25, 26, 30, 33, 34, 39, 41, 45 and 46 and to repeal Sections 31 and 32 of an Act entitled 'An Act to create a banking department of the State of Alabama and through this department to regulate, examine and supervise banks and banking and to punish certain prohibited Acts relating thereto,' approved March 2, 1911,' approved February 15, 1915," approved September 27, 1919, be and is hereby amended to read as follows: Each bank whether a private bank or a corporation, carrying on a banking business in the State of Alabama, shall, on the call of the superintendent of banks, annually, pay into the treasury of the State, between the first day of January and the first day of April of each year, or at such other time as the superintendent of banks may call for the same, to be used as an aid in defraying the expenses of the banking department of the State, as follows: Each such bank shall pay twenty-five (\$25.00) dollars, and in addition thereto one one-hundredths of one per centum (or ten cents per thousand, or fraction thereof) on its total resources as shown by its last report to the banking department made by the bank next preceding January first; provided that if a bank shall commence business after such reports are made, then the assessment shall be on the resources as of the day the bank opened for business, and if the bank shall open for business after April first and before July first, the assessment shall be for three-fourths of the year; if it shall open for business after July first and before October first, the assessment shall be for one-half the year; and if it shall open for business after October first and before December thirty-first, such assessment shall be for one-fourth of the year; and provided that the total assessment shall not exceed six hundred (\$600.00) dollars per year on any one bank or trust company, and provided that a bank having branches shall pay, in addition to the above amounts, fifteen (\$15.00) dollars for each branch. No other assessment or license of any kind shall be levied against or collected from any bank or banking institution, except the ordinary taxes assessed against property in general, and except that municipalities may levy a license in proportion to the capital, surplus and undivided profits of the bank, not more than the following amounts, to-wit: Where the capital, surplus and undivided profits are \$50,000.00 or less, \$10.00; where the capital, surplus and undivided profits are more than \$50,000.00 and not over \$100,000.00, \$20.00; where the capital, surplus, and undivided profits are more than \$100,000.00 and not over \$150,000.00, \$30.00; where the capital, surplus and undivided profits are more than \$150,000.00 and not

over \$200,000.00, \$40.00; where the capital, surplus and undivided profits are more than \$200,000.00 and not over \$250,000.00, \$50.00; where the capital, surplus and undivided profits are more than \$250,000.00 and not over \$300,000.00, \$60.00; where the capital, surplus and undivided profits are more than \$300,000.00 and not over \$350,000.00, \$70.00; where the capital, surplus and undivided profits are more than \$350,000.00 and not over \$400,000.00, \$80.00; where the capital, surplus and undivided profits are more than \$400,000.00 and not over \$450,000.00, \$90.00; where the capital, surplus and undivided profits are more than \$450,000.00 and not over \$500,000.00, \$100.00; where the capital, surplus and undivided profits are more than \$500,000.00 and not over \$600,000.00, \$110.00; where the capital, surplus and undivided profits are in excess of \$600,000.00, \$125.00; and on each branch bank not more than \$10.00. The term "undivided profits" as used in this Section shall be construed to mean the undivided profits as shown by the books of the bank, and all payments shall be based on the report made by the banks to the superintendent of banks next preceding January first. Each bank failing to make payments of assessments on call made by the superintendent of banks, on or before April first, or within sixty (60) days after receiving notice from the superintendent of banks of the amount of the assessment, shall forfeit to the State five (\$5.00) dollars for each day after it is default, such forfeit, together with the amount due from the bank may be collected from the bank by suit in the name of the State, and it shall be the duty of the superintendent of banks to enforce the payment of the amount that should be paid and of the forfeit to the State under the provisions of this Section by suit in the name of the State against the defaulting bank, and it shall be the duty of the Attorney General to represent the superintendent of banks, in proper proceedings, to enforce the collection of the assessment, together with the forfeit provided herein.

Approved October 29, 1921.

No. 19.)

AN ACT

(S. 37—Acker

To provide for the collection of taxes by the tax collector of any county in this State when the tax record constituting the tax collector's warrant or authority, for collection of such taxes is lost, stolen or destroyed, and to regulate suits which have been or may hereafter be filed against any tax collector or his sureties arising out of any alleged wrongful collection of, or wrongful attempt to collect taxes where such tax records are lost, stolen or destroyed before or during the trial of any such suits.

Be it enacted by the Legislature of Alabama:

Section 1. Whenever the tax assessment book required by law to be made by the county tax assessor has been made and the same has been certified as required by law so that the certification thereof becomes, as provided by law, the warrant to the tax collector of the county to proceed to collect the taxes shown by such books in the manner directed by law, and such tax assessment book so certified is lost, stolen or destroyed before the tax collector has collected all the taxes due or to become due as shown in such book, the loss, theft or destruction of such book shall not prevent the tax collector from proceeding to collect the taxes under such assessments, but he shall proceed to collect the same when due, and when any such taxes have become delinquent, he shall proceed to enforce the collection thereof, as provided by law, and just as if there had been no loss, theft or destruction of such certified books.

Section 2. It will not be a defense for any tax payer whose taxes are delinquent, that such certified book is lost, stolen or destroyed or that the amount of such delinquent taxes demanded of him by the tax collector is in excess of what the tax payer owes as was shown by such assessment books, provided the tax collector before collecting or attempting to collect any such taxes, files in his office a statement in writing setting out the amount of such delinquent taxes claimed by the tax collector to be due by such tax payer and verified by the affidavit of the tax collector that said amount is just, correct, delinquent and unpaid according to the best of his knowledge, information and belief.

Section 3. Any tax collector who wilfully or knowingly makes a false statement that is material in any such affidavit shall be guilty of a misdemeanor.

Section 4. After the tax collector has made and filed in his office such affidavit, he must proceed promptly to give notice and make demand upon every such tax payer for payment of the delinquent taxes as shown in such affidavit and such notice and demand must be accompanied by a copy of such affidavit.

Section 5. If any such tax payer desires to make payment of such taxes or any part thereof, under protest, upon making payment of same, he shall file with the tax collector a statement in writing that the amount so paid by him, or a certain stated part thereof, is paid under protest, and the grounds of his protest must be set out in such statement.

Section 6. After any tax payer makes any such payment of taxes under protest, it shall be his duty promptly to substitute in some legal and proper manner, the record of his tax assessment under which such taxes became due, if there is then no proceeding pending by the State or said county to substitute such record.

Section 7. After the record of such tax payer's tax assess-

ment has been substituted in accordance with law, if the amount of taxes which has been paid under protest by him is in excess of what is shown by the substituted record, he may recover from the State and said county the amount of such excess by filing with both the county treasurer of such county, and with the State Auditor a duly certified copy of the decree substituting his said tax assessment record accompanied by a copy of his tax receipt for the taxes so paid by him verified by the affidavit of the tax collector, which copies of such tax receipt so verified must be furnished by the tax collector upon request of such tax payer.

Section 8. When a duly certified copy of such decree, with a copy of such verified tax receipt is filed with the county treasurer the same shall be a preferred claim against said county of same nature and payable as claims of grand jurors of the county are paid, and such tax payer shall have prompt payment out of the county treasury for that part of such excess taxes received by the county from such tax payer. When a duly certified copy of such decree with a copy of such verified tax receipt is filed with the State Auditor, he shall draw his warrant upon the State Treasurer in favor of such tax payer for that part of such excess taxes received by the State from such tax payer, and such warrant shall be paid out of any money in the State Treasury not otherwise appropriated.

Section 9. That in suits which have been or may hereafter be filed by any person, firm or corporation, against a tax collector or his sureties, to recover damages claimed for or on account of the wrongful or alleged wrongful collection of taxes, or for or on account of the levy upon or seizure of property to enforce the collection of taxes, or for the alleged wrongful demand for and collection of taxes, or to recover for taxes as having been wrongfully collected or paid under legal compulsion or protest, and before or during the trial of such suit or suits the tax records are lost, stolen, or destroyed, so that proof thereof by secondary evidence becomes necessary to show the contents or the purport of such records, the party relying on such records may by a special plea or motion, verified by the affidavit of himself or his attorney, setting up the contents or purport of such records, obtain the benefit thereof to the same extent as if the original records were produced and introduced as evidence; but if upon the filing of such special plea or motion in open court or within thirty days after service upon him or his attorney of record in vacation of a copy of such plea or motion, the adverse party shall file in writing in said suit or suits a statement verified by affidavit, denying the correctness of the alleged contents or purport of said lost, stolen, or destroyed tax records as set forth in said special plea or motion, thereupon it shall become the duty of the court in which the suit is pending to make an order

transferring the cause to the equity docket, prescribing the time within which the parties to the suit must so frame the pleadings as to present an issue or the issues so as to obtain an adjudication in the equity court, establishing the disputed lost, stolen or destroyed tax records, and incidentally there to completely settling and adjudicating all other issues involved in the suit.

Section 10. That upon the trial of any such suit, whether in a court of law or equity, neither the tax collector or his sureties shall in any event be liable for more than such sum with the interest thereon, as may have been collected by the tax collector or his deputy, in excess of the sum which was justly due and unpaid by the party suing to the State or county for taxes, interest and fees.

Section 11. The provisions of this act are intended to be remedial and cumulative and shall apply both in the case where any such tax records of a county have been so lost, stolen or destroyed before the passage and approval of this Act, as well as to the case of the loss, theft or destruction of any such records hereafter.

Approved October 29, 1921.

No. 20)

AN ACT

(S. 22—Teasley.

To provide a statutory method for substituting any tax record in any county in this State and giving to the substituted records the same force and effect for all purposes as the original had, where such original record has been lost, stolen or destroyed, which method shall not be exclusive of any other method already existing.

Be it enacted by the Legislature of Alabama:

Section 1. When any tax record of a county in this State has been lost, stolen or destroyed, the same may be substituted as herein provided, and such substituted record shall be of equal validity with the original.

Section 2. Whenever any of the tax records of a county in this State have been lost, stolen or destroyed, the tax assessor shall, as soon thereafter as practicable, notify the State Tax Commission in writing of the loss, theft, or destruction of such records. The State Tax Commission shall at once investigate, and, if satisfied that such records have been lost, stolen, or destroyed, shall notify the Governor in writing of such loss, theft, or destruction of such records. If the Governor upon receipt of such notice is satisfied that any such records have been lost, stolen or destroyed, he may, if in his judgment it is necessary or advisable for any governmental purpose, order and direct that the same, or any part thereof, be substituted in the manner pro-

vided by this Act. A copy of such order of the Governor shall be filed with the State Tax Commission.

Section 3. Upon receipt of the Governor's order, the State Tax Commission shall prepare in writing a notice to be signed by the tax assessor of said county, stating in brief the fact of such loss, theft or destruction of such records, which it is proposed to substitute. Such notice shall also contain a statement of the time when and the place where the tax assessor will sit in said county to receive from each tax-payer, the record of whose tax assessment in said county has been so lost, stolen or destroyed, a return of all his property which was subject to tax assessment in said county during the tax assessment year or years for which such records have been so lost, stolen or destroyed, a substantial duplicate of his former return.

Section 4. The tax assessor of such county is authorized and required to fix such times and places in the county as are deemed reasonably necessary by him for that purpose to receive such duplicate returns and he shall sit in person or by deputy at such times and places for this purpose.

Section 5. If, in any such cases, it is determined that the records of the tax assessment of all the tax-payers of the county, or of one or more entire precincts of the county, be substituted, such notice shall state the fact, and it shall not be necessary for such notice to give the names of the taxpayers; if of only a part of the taxpayers of any precinct, then the notice shall set forth the names of the taxpayers the record of whose assessments are to be substituted. Such notice shall be published in some newspaper published in such county once a week for two successive weeks, and the first publication thereof must be on a day which is not less than ten days before the first day set therein for any such sittings to be held, as aforesaid, by the tax assessor or his deputy; provided, however, that the tax assessor or his deputy may continue such sitting from day to day without any additional notice thereof.

Section 6. Every taxpayer of said county, the record of whose tax assessment or return, or whose tax record in any part thereof in said county has been so lost, stolen or destroyed is required to attend at one of such sittings by the tax assessor or his deputy and there give under oath to the best of his knowledge, recollection, information and belief, a full, complete and direct statement of all his property, with a sufficient description thereof, which was included in his said tax assessment record which has been so lost, stolen, or destroyed, together with the valuation of the different parcels or articles thereof for taxation which had been fixed and was shown by said record so lost, stolen or destroyed, which description and valuation shall be set out upon a blank prescribed by the State Tax Commission and furnish-

ed by said county for said purpose. Any such taxpayer, his agent, or attorney, shall present such statement or return under oath and shall state in writing that the same is, in substance, a just, true and correct copy of the record of his tax assessment or return and the valuation fixed on his property for taxes as shown by the original of such records which have been so lost, stolen, or destroyed, according to the best of his knowledge, information and belief.

Section 7. If any such tax payer, his agent, or attorney, willfully or knowingly makes under oath a false statement relative to any material matter involved in such statement or return subscribed by him, he shall be guilty of a misdemeanor.

Section 8. If any such taxpayer has a copy of the original assessment and list showing the return of his property for taxes in said county, upon which list his assessment record so lost, stolen or destroyed was based, he is required, without demand to produce such copy at such sitting by the tax assessor or his deputy for the inspection of such officer. If any such tax-payer has paid his taxes, the payment whereof was shown by any such record which it is proposed to substitute, he is required, without demand, to produce his official tax receipt for inspection of the tax assessor or his deputy at such sitting. If any such taxpayer fails or refuses, without good or lawful excuse, to produce for the inspection of such officer his copy of such list or his said official tax receipt, he shall be guilty of a misdemeanor.

Section 9. At the time any such taxpayer appears at such sitting by the tax assessor or his deputy to make such sworn statement as to the return of his property and the valuation thereof for taxes, as contained in such original record so lost, stolen or destroyed, he may file with the tax assessor or his deputy holding such sitting, such affidavits in writing as he may desire to so file of other persons or of himself, to support any contention he may have that is competent, relevant, or material to the proper and correct substitution of such records. The tax assessor or his deputy holding such sitting shall receive, file and carefully preserve all such affidavits presented by any such taxpayer. Any person who willfully or knowingly makes a false statement which is material in any such affidavit shall be guilty of a misdemeanor.

Section 10. The tax assessor or his deputy who holds any of such sittings is empowered and authorized to administer oaths, to subpoena witnesses, to issue subpoenas duces tecum, to require the production before him by any such taxpayer of any deeds or any other writing in the custody or under the control of such taxpayer which contain any evidence material to the issues involved in the substitution of the record of such taxpayer's tax assessment which has been so lost, stolen or destroyed.

Section 11. When all such sittings by the tax assessor and his deputies have been concluded, all such additional returns and sworn statements of the taxpayers, together with the affidavits presented by any taxpayers, and all other pertinent writings which have been filed with the tax assessor or his deputies at any of such sittings, shall be returned, at once, to the office of the tax assessor and he shall then, at once, notify the State Tax Commission that such sittings have been concluded. Upon the receipt of such notice from the tax assessor, the State Tax Commission, in writing, shall direct and require the tax adjuster of said county to sit therein to consider the evidence which has thus been collected by the tax assessor and his deputies, together with such relevant, material and competent evidence that may be offered by the taxpayer, the State or by said county, for the purpose of determination by the tax adjuster of what is a true and correct substitution of the record of each taxpayer's original assessment for taxes which has been so lost, stolen or destroyed.

Section 12. Such tax adjuster shall have power and authority to administer oaths, to subpoena witnesses, to issue subpoenas duces tecum, to require the production before him by any taxpayer who is a party to any of such proceedings of any books or other writings in the custody or under the control of such taxpayer, which contain any evidence material to the issues involved in the substitution of any of such records. It shall be the duty of the tax adjuster to hear and consider evidence offered by either the taxpayer, the State or said county, if any shall be offered in addition to what has been collected by the assessor and his deputies, as aforesaid, touching the substitution of such records which have been so lost, stolen or destroyed, and to judge and decree what is a true and correct substitution of such records, and he is given power and authority for all said purposes, together with such other power and authority as may be necessary or incidental to that power and authority which is hereby expressly conferred. All such evidence offered before the tax adjuster which is not in the form of some written instrument must be offered in the form of affidavits, or depositions in writing.

Section 13. When the tax adjuster has been directed by the State Tax Commission as hereinabove provided, to sit in said county to consider and decree upon said causes and proceedings, he must promptly set a time for hearing and considering the causes involved in the substitution of such records. He shall sit at the courthouse at the county seat of said county, but if there is more than one courthouse in said county, he shall provide for a hearing at each of such courthouses. As soon as he has determined the time and place of such hearing, he shall give notice thereof by publication of such notice in a newspaper published in the county once a week for at least two successive weeks prior

to the beginning of such hearing; the first publication of which notice must be at least ten days before the first day set for such hearing. Such notice shall be governed by Section 5 of this Act with respect to the necessity of setting out, or not, in said notice, the names of the taxpayers whose records are to be substituted by said tax adjuster. In addition to the publication of such notice, as aforesaid, such tax adjuster shall also post a copy of the notice at the courthouse and at three other public places in the county at least ten days before the first day set for such hearing.

Section 14. At such hearing by such tax adjuster, he shall cause to come before him the tax assessor and tax collector of the county, and he shall examine them under oath touching the contents of such records which have been lost, stolen or destroyed, and he shall receive and file any evidence in writing that may be offered by the taxpayer the State or county touching said matters. Any such taxpayer affected by the substitution of any such record has the right to file with such tax adjuster the affidavit of any person in support of any contention of such taxpayer as to any issue involved in such proceeding.

Section 15. At the conclusion of such hearing by the tax adjuster and after consideration of all the evidence before him, he shall determine what is a true and correct substitution of any such record which has been so lost, stolen or destroyed, and he shall make and enter an order or decree accordingly. Such order or decree shall be endorsed upon the substituted record and shall be sufficient if it states, in substance, as follows: (State of Alabama, County, I,, Tax Adjuster in and for said county, do hereby find and certify that the above and foregoing is a correct substitution of the tax assessment record of the taxpayer named therein for the tax year therein stated. Witness my hand this day of
..... (Tax Adjuster).

Section 16. After such tax adjuster has concluded the hearings so held by him and has entered his decrees substituting such individual tax records, from such substituted records, the State Tax Commission shall, if it is deemed necessary by it, prepare or cause to be prepared under its direction, the tax assessment book and the tax collector's abstract which are required by law to be made up from the individual tax assessments.

Section 17. Any taxpayer who is aggrieved at the findings of such tax adjuster, and the state or said county, shall have a right of appeal from his findings to the State Tax Commission. Notice of such appeal must be filed in writing with such tax adjuster within ten days after the entry of his order and decree, and in the case of the State or said county, the filing of such notice of appeal shall be sufficient to perfect its appeal. The

taxpayer, in addition to filing such notice of appeal, shall also file with such tax adjuster satisfactory security for cost of the appeal, and, if any taxes of such taxpayer due to the State of Alabama or to said county are then delinquent, before the appeal of such taxpayer shall be allowed, he must pay to the tax collector of said county, all taxes due the State and said county and any school district in said county, on such valuation of his property for taxes as he has claimed in his sworn statement was the valuation of his property for taxes shown by such original record; which payment shall be placed as a credit upon his assessment when the record is established. He must also give bond with satisfactory security, conditioned to pay, within thirty days after the final determination of his said cause, the State of Alabama and said county all taxes that may be due by him and delinquent to said State and county.

Section 18. When said appeal has been taken, the tax adjuster shall within thirty days thereafter return to the State Tax Commission all the sworn statements, affidavits and other evidence in writing before him, in the case of the taxpayer taking such appeal. The tax adjuster may also return with such papers a brief statement or opinion in writing setting forth the main reasons for his findings in such case. All such papers in the matter of such appeal shall be certified by such tax adjuster to the State Tax Commission.

Section 19. The State Tax Commission is authorized and empowered to hear, consider and determine such appeal, and for this purpose shall sit at the State Capitol. It shall be its duty to carefully examine, weigh and consider the evidence and all other matters in each such cause certified to it on appeal by such tax adjuster, and after having considered same the State Tax Commission may dismiss the appeal and adjudge all costs of the appeal against the taxpayer, or it may modify the findings of such tax adjuster and proceed to find and decree what is a correct substitution of the record of such taxpayer involved in such appeal, and in such last named case, it is empowered and shall tax the costs of appeal as to it seems equitable. If the taxpayer fails to sustain his appeal and obtain any modification of the findings of such tax adjuster, such taxpayer shall be taxed with all the costs of such appeal, for which execution may be issued against such taxpayer and his sureties by said State Tax Commission, and directed to the sheriff of said county. Any such execution shall be levied and collected by the sheriff of said county in the same manner in which execution out of the circuit court of said county is levied and collected, except that the sheriff shall make return thereof to the State Tax Commission instead of to such circuit court.

Section 20. Any such taxpayer shall have a right of appeal from the finding or decree of the State Tax Commission to the

Court of Appeals of said State. In case the taxpayer takes an appeal from the findings of the State Tax Commission to the Court of Appeals, the taxpayer is required to prepare or have prepared at his cost a transcript of all the papers relating to his case which are on file with the State Tax Commission, including a copy of the findings of the State Tax Commission upon his appeal from such tax adjuster. Such transcript shall be duly certified by the Chairman or one of the associate members of the State Tax Commission to the Court of Appeals. Any such appeal from the findings of the State Tax Commission to the Court of Appeals must be taken within thirty days after the finding or decree of the State Tax Commission has been entered. It shall be the duty of the State Tax Commission within ten days after the entry of its decree upon any appeal, to notify the appellant or his attorney of record of the date and nature of its said findings or decree by mailing such notice to the last known address of such taxpayer or his attorney of record.

Section 21. If the taxpayer desires to take appeal from the findings of the State Tax Commission to the Court of Appeals, he must file notice of such appeal with the State Tax Commission within thirty days from the date of entry of its decree and must also file with the State Tax Commission satisfactory security for costs of such appeal to the Court of Appeals, which security may be approved by any member of said Commission. When such appeal has been taken to the Court of Appeals, and the transcript has been filed with the clerk of that court, the clerk shall notify the presiding judge thereof. The presiding judge of the Court of Appeals shall set down for hearing all such appeals taken to it from said State Tax Commission at as early date as is practicable and shall cause the clerk of such court to notify the Attorney General as counsel for the State, and also the appellant or his counsel of record, of the date set for hearing such appeal. Any such appeal before the Court of Appeals shall be governed by the statutes and rules which apply to appeals in civil cases before such court.

Section 22. In any county which has a Board of Tax Adjusters instead of a single County Tax Adjuster, the duties herein imposed upon the county tax adjuster shall be performed by the board of tax adjusters, and such board is hereby given all the powers and authority which are herein conferred upon the county tax adjuster in the performance of such duties. In case the duty of determining the valuation of property for taxation now imposed upon the tax adjuster or board of tax adjusters shall be hereafter imposed upon some other officer, or officers, such officer, or officers, who may succeed the tax adjuster or board of tax adjusters in the discharge of this duty shall perform all of the duties herein imposed upon the tax adjuster and shall have all

of the power and authority herein given to the county tax adjuster in the performance of such duties.

Section 23. The provisions of this act are intended to be remedial and shall apply both in the case where any such tax records of a county have been so lost, stolen or destroyed before the passage and approval of this act as well as to the case of the loss, theft or destruction of such records hereafter.

Section 24. The tax adjuster shall receive reimbursement for all expenses which are reasonably incurred by him in the discharge of his duties hereunder, if such expenses are outside of and extra to the expenses incident to the discharge of his duties under other statutes of this State. Provided, however, that any claim of the tax adjuster for any such expenses incurred by him under this statute, before payment thereof is authorized or required, must first be audited and allowed by the State Tax Commission. When so audited and allowed the same must be paid by the State and said county as herein prescribed. The State shall pay out of moneys in the State Treasury not otherwise appropriated, on the warrant of the Governor, such part of said claim as the amount of the State Tax upon tangible property received from said county for the last previous tax year for which taxes have been collected in said county, bears to the whole amount of the tax upon tangible property in said county for State, county and school districts collected in said county for said year. Said county shall pay the remainder of such claim upon presentation of a certificate or warrant signed by the Governor and showing the amount due by the county for such purposes, and such claim against said county for such amount as is certified by the Governor shall be a preferred claim against the county, like unto the claim of grand or petit jurors of such county, and shall be payable in like manner as the claims of such jurors are paid, upon presentation to the county treasurer of such certificate or warrant of the Governor.

Section 25. For all the services provided herein to be performed by the tax assessor and his deputies the tax assessor shall receive such compensation as is fixed by the Court of County Commissioners or Board of Revenue of said county, not to exceed ten dollars per day for himself, and seven dollars per day for each deputy while actually engaged in such work. Such compensation of the tax assessor and his deputies shall be paid by the State and by said county, each paying the same proportion thereof as they are herein required to pay in making payment of the expense claim of the tax adjuster. Upon the conclusion of the work of the tax assessor and his deputies in the performance of the duties hereunder, the Court of County Commissioners or Board of Revenue of said county shall transmit to the Governor a duly certified copy of its order fixing the compen-

sation to be paid the tax assessor and his deputies for services performed under this Act. Upon receipt thereof, the Governor shall draw his certificate or warrant for payment of that part of such compensation that must be paid by the State, under the provisions of this Act, and the same shall be paid out of moneys in the treasury of the State not otherwise appropriated. That part of the claim of the tax assessor and his deputies for such compensation which must be paid by said county hereunder, must be audited and allowed by the Court of County Commissioners or Board of Revenue of the county, and when so allowed, the same shall be a preferred claim against the county, like unto the claims of grand and petit jurors of such county, and shall be payable in like manner as the claims of such jurors are paid.

Section 26. Any and all other expenses incurred in and about, or incident to any such proceeding under this Act to substitute any such records, shall be borne by the State and said county in the same proportion that the compensation of the tax assessor and his deputies are to be paid, as provided herein, and shall be paid on warrant of the Governor, and shall be a preferred claim against said county, as is provided with respect to the compensation for the tax assessor and his deputies, except that all stationery, blanks, blank books, and other like supplies, needed in the substitution of any such records shall be furnished by such county at its expense. All such work of substitution of tax records provided for hereunder shall be under the supervision and direction of the State Tax Commission, subject to the provisions of this Act.

Section 27. It shall be the duty of the sheriff of said county to serve any subpoena and execute any process issued by the tax adjuster or tax assessor hereunder, and the sheriff shall receive for his services in such matters the same compensation as is allowed him for similar services in civil cases in the Circuit Court.

Approved October 29, 1921.

No. 22)

AN ACT

(H. 10—Dansby

To amend Section 8 of "An act to provide for the employment of State convicts in mining coal on the coal lands of the University of Alabama and to abolish the lease system and to provide a penalty for the violation thereof, approved September 23, 1919."

Be it enacted by the Legislature of Alabama:

That section 8 of "an act to provide for the employment of State convicts in mining coal on the coal lands of the University

of Alabama and to abolish the lease system and to provide a penalty for the violation thereof, approved September 23, 1919," be and is hereby amended so as to read as follows.

Section 8. That on and after January 1st, 1924 it shall be unlawful for any person to lease or let for hire any State convict to any person, firm or corporation, and any person, firm or corporation found guilty of a violation of this section shall be punished at the discretion of the jury by a fine not to exceed \$5000.00 or by imprisonment for not more than five years. Nothing in this act shall prevent the Highway Department from working convicts on the public roads.

Approved October 29, 1921.

No. 23)

AN ACT

(H. 26—Tompkins

To amend and revise Chapter 176 of the Code, which Chapter is entitled "Boycotting and Blacklisting."

Be it enacted by the Legislature of Alabama:

That Chapter 176 of the Criminal Code of Alabama, entitled "Boycotting and Blacklisting," be amended and revised so as to read as follows:

Section 1. Two or more persons who, without a just cause or legal excuse for so doing, enter into any combination, conspiracy, agreement, arrangement, or understanding for the purpose of hindering, delaying, or preventing any other persons, firm, corporation, or association of persons from carrying on any lawful business shall be guilty of a misdemeanor.

Section 2. Any person or persons who, without a just cause or legal excuse therefor, go near to or loiter about the premises or place of business of any other person, firm, corporation, or association of people, engaged in a lawful business, for the purpose, or with the intent of influencing, or inducing other persons not to trade with, buy from, sell to, have business dealings with, or be employed by such persons, firm, corporation, or association, or who picket the works or place of business of such other persons, firms, corporations, or associations of persons, for the purposes of hindering, delaying, or interfering with, or injuring any lawful business or enterprise of another, shall be guilty of a misdemeanor; but nothing herein shall prevent any person from soliciting trade or business for a competitive business.

Section 3. Any person, firm, corporation, or association of persons who prints or circulates any notice of boycott, boycott cards, stickers, dodgers, or unfair lists, publishing or declaring

that a boycott or ban exists or has existed or is contemplated against any person, firm, corporation, or association of persons doing a lawful business, shall be guilty of a misdemeanor.

Section 4. Any person, firm, corporation, or association of persons who uses force, threats, intimidation, or other unlawful means to prevent any other person, firm, corporation, or association of persons from engaging in any lawful occupation or business shall be guilty of a misdemeanor.

Section 5. Any person, firm, corporation, or association of persons who maintains what is commonly called a blacklist or notifies any other person, firm, corporation, or association that any person has been blacklisted by such person, firm, corporation, or association; or who uses any other similar means to prevent any person from receiving employment from whomsoever he desires to be employed by shall be guilty of a misdemeanor.

Section 6. Any person, firm, corporation or association of persons who without a just cause or legal excuse willfully or wantonly does any act with the intent, or with reason to believe that such act will injure, interfere with, hinder, delay, or obstruct any lawful business or enterprise in which persons are employed for wages; or who shall willfully or wantonly injure, destroy, attempt to destroy, or threaten to injure or destroy any property of another; or who shall willfully or wantonly derange, or attempt, or threaten to derange any mechanics, appliances, or devices, of another used in any lawful business or enterprise, shall be guilty of a misdemeanor.

Section 7. Any person, firm, corporation or association of persons who without a just cause or legal excuse, but with the intent to supplant, nullify, or impair, the owner's, operator's or manager's control of any lawful business, or enterprise, or who without just cause or legal excuse, shall take, retain, attempt or threaten to take, or retain, possession or control of any property of another or any instrumentality used in any lawful business or enterprise of another shall be guilty of a misdemeanor.

Section 8. Any person, firm, corporation or association of persons, who, without a just cause or legal excuse shall advise, encourage, or teach the necessity, duty, propriety, or expediency of doing or practicing any of the acts or things made unlawful by this act; or who print, publish, audit, issue, or knowingly circulate, distribute, or display any book, pamphlet, paper, handbill, document, or written or printed matter of any form advertising, advising, teaching, or encouraging such necessity, duty, propriety, or expediency of violating or disregarding any of the provisions of this act; or who organizes or helps to organize, gives aid or comfort to, or becomes a member of any group of persons formed to advocate, advise, or teach the necessity, duty, propriety, or expediency of violating or disregarding any of the provisions of this act shall be guilty of a misdemeanor.

Section 9. Any person, firm, corporation, or association of persons violating any of the preceding sections or provisions of this act shall on conviction be punished by a fine of not less than one hundred dollars (\$100.00) or more than one thousand (\$1,000.00), and may also be imprisoned in the county jail or sentenced to hard labor for the county for not more than 6 months for the first conviction at the discretion of the court or judge trying the case; and on the second and every subsequent conviction in addition to the fine which may be imposed, the convicted party shall be sentenced to hard labor for not less than three months nor more than 6 months to be fixed by the judge or court trying the case.

Section 10. The provisions of this act shall take effect immediately upon its approval by the Governor.

Approved October 29, 1921.

No. 25)

AN ACT

(H. 71—Fuller

To repeal Section 20 of the Act of the Legislature of Alabama approved September 25, 1915, and entitled "An Act to further prescribe and regulate the qualifications, number, designation, duties, and powers of the circuit judges of the State, and to provide for their election and appointment."

Be it enacted by the Legislature of Alabama:

Section 1. That Section 20 of the Act of the Legislature of Alabama, approved September 25, 1915, and entitled "An Act to further prescribe and regulate the qualifications, number, designation, duties, and powers of the circuit judges of the State, and to provide for their election and appointment" be and the same is hereby repealed.

Section 2. This Act shall take effect upon its approval by the Governor.

Approved November 1, 1921.

No. 26)

AN ACT

(H. 52—Ellis

For the relief of Rev. J. M. Johnson of Eclectic, Alabama, and to appropriate and pay to him the sum of \$280.00 for services rendered as a Preacher of the Gospel at the State Penitentiary at Wetumpka, Alabama.

Be it enacted by the Legislature of Alabama:

Section One. That the sum of \$280.00 be and the same is hereby appropriated out of any money in the treasury of Ala-

bama, not otherwise appropriated, to be paid to Rev. J. M. Johnson of Eclectic, Alabama, for services rendered as a preacher of the Gospel at the State Penitentiary at Wetumpka, Alabama.

Section Two. The Auditor of the State of Alabama is authorized and directed to draw his warrant on the Treasurer of Alabama, in favor of said Rev. J. M. Johnson for said sum of money.

Approved October 29, 1921.

No. 27)

AN ACT

(H. 120—Jones

To appropriate the sum of four hundred and twenty-five dollars (\$425.00) out of the State Treasury for the relief of Rev. J. E. Deer.

Be it enacted by the Legislature of Alabama:

Section 1. That whereas, the Rev. J. E. Deer, of Escambia County, Alabama, a minister of the Gospel, did, at the request of the State Chaplain, preach and labor among the State convicts at the Bagdad Land and Lumber Company, and The Dixie Turpentine Company, in said County during the years 1916, 1917, and 1918; distribute Bibles among said convicts and pay his traveling expenses, and has personally borne all of such expense at his own private cost and without pay or reward from the State or the County, and whereas, it is not the policy of this State to require such needed services without some compensation that is deemed reasonable, just and right.

Section 2. That whereas, the Court of County Commissioners of said County did on the 7th day of January, 1919, make an order approving the amount, merit and justness of said claim and has appealed to this body requesting that it give the proper relief; and whereas, both House and Senate did heretofore in the session of 1919, unanimously pass this bill, granting said relief, but the same was vetoed with regret by the Governor for want of sufficient notice as required by the Constitution, —Therefore:

Section 3. There is hereby appropriated for the relief of said Rev. J. E. Deer—and he is allowed the sum of Twelve Dollars and Fifty Cents (\$12.50) per month for thirty-four (34) months, the time he served said convicts, amounting in all to the sum of Four Hundred and Twenty-Five (\$425.00) dollars,—out of monies in the State Treasury, not otherwise appropriated; and the State Auditor is hereby authorized and directed to draw his warrant upon the Treasurer of the State of Alabama in favor of Rev. J. E. Deer, for the sum of Four Hundred and Twenty-five

(\$425.00) Dollars, and the Treasurer of the State of Alabama will pay said warrant out of any monies in the State Treasury not otherwise appropriated.

Approved October 29, 1921.

No. 28)

AN ACT

(H. 18—Dunaway.

To appropriate twenty-five thousand dollars (\$25,000.00) for the payment of expenses to be incurred in the publication of proclamations and notices, and other necessary expenses payable by the State in calling and holding elections for the Constitutional amendments to be voted on at special elections ordered and held in accordance with acts or resolutions of this special session of the Legislature.

Be it enacted by the Legislature of Alabama:

Section 1. That the sum of twenty-five thousand dollars (\$25,000.00), or so much thereof as may be necessary, is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated for the purpose of paying for the publication of proclamations, notices, and other such necessary expenses, as are payable by the State, in calling and holding elections on the proposed amendments to the Constitution of Alabama, which may be proposed and elections ordered thereon by this special session of the Legislature.

Section 2. The Auditor shall draw his warrant upon the Treasurer for the payment of all accounts due for services rendered and materials furnished in and about publishing proclamations, notices, or other services rendered for calling or holding such election. Such accounts shall be verified by affidavit of the owner, and approved by the Governor.

Approved October 29, 1921.

No. 30)

AN ACT

(S. 30—Craft.

To propose an amendment to the constitution of Alabama authorizing the State to locate, construct, improve, repair, and maintain public roads, highways, and bridges in the State of Alabama; and to this end to authorize the State to issue and sell negotiable and interest-bearing bonds to an amount not to exceed twenty-five millions of dollars (\$25,000,000.00.); and to provide revenue and funds for the prompt and faithful payment of the principal and interest on such bonds; and to order an election by the qualified electors of the State upon such proposed amendment to be held on the first Monday after the expiration of three months from and after the final adjournment of the present special session of the Legislature.

Be it enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama is hereby proposed, and an election is hereby ordered by the qualified electors of the State upon such proposed amendment, and the day hereby appointed for such election is the first Monday after the expiration of three months from and after the final adjournment of the present extra session of the Legislature at which this amendment is proposed. The proposed amendment is as follows:

"Article XX. Section 1. The State is authorized to engage in the construction, improvement, repair, and maintenance of public roads, highways, and bridges in the State of Alabama. To this end, and for this purpose, the State is authorized to appropriate funds; and also to issue and sell interest-bearing negotiable State bonds, in an amount not to exceed the sum of twenty-five millions of dollars (\$25,000,000.00) to be issued in such denominations, numbers, and series, and maturing at such time, as may be provided for by law; but such bonds shall bear a rate of interest not greater than six per centum per annum, payable semi-annually, and shall be sold at a price not less than the par value thereof. Provided, that no bonds shall be issued or sold under this provision to such an amount that the interest thereon will exceed the net amount of vehicle license tax collected for the year preceding the issuance of same, and which is set apart for the payment of interest on said bonds. The State Highway Commission or Highway Department shall locate, construct, and maintain highways and State trunk roads so as to connect each county seat with the county seat of the adjoining county by the most direct or most feasible route by a permanent road, having due regard to the public welfare, and to connect the county seats of the several border counties at or near the State line with a public road in the border states. Provided, that in counties which are divided into two or more judicial divisions in each of which regular terms of circuit court are held; the places where said terms of court are held shall likewise be connected with each other. It shall be the duty of said highway commission or highway department to equitably apportion among the several counties the expenditure of both money and labor and the time or times of making such investments. Not less than one-quarter of a million dollars of the proceeds of these bonds shall be set aside and expended by the State Highway Commission in each county in the State. To create a sinking fund for the prompt and faithful payment of the principal and interest on these bonds and for the construction, maintenance, and improvement of such public highways, roads, and bridges, the Legislature shall levy a special annual license or privilege tax on all automobiles, and on all motor driven vehicles which may be used on the public

roads and highways of this State. Such bonds when issued shall be a direct obligation of the State, and for the prompt and faithful payment of the principal and interest thereon the full faith and credit of the State is hereby irrevocably pledged, and such bonds shall be exempt forever from all taxes of every kind."

Section 2. Notice of the election hereby ordered, together with the amendment hereby proposed, shall be given by a proclamation of the Governor which shall be published in one newspaper once a week in each county in the State, for at least eight successive weeks next preceding the day hereby appointed for such election.

Section 3. At the election hereby ordered to be held as herein provided, the qualified electors shall vote on said proposed amendment; and on the official ballot printed for such election there shall be printed the following, viz: "Shall the following be adopted as Article XX of the Constitution of Alabama?"

Section 1. The State is authorized to engage in the construction, improvement, repair, and maintenance of public roads, highways, and bridges in the State of Alabama. To this end, and for this purpose, the State is authorized to appropriate funds; and also to issue and sell interest-bearing negotiable State bonds, in an amount not to exceed the sum of twenty-five millions of dollars (\$25,000,000.00) to be issued in such denominations, numbers, and series, and maturing at such time, as may be provided for by law; but such bonds shall bear a rate of interest not greater than six per centum per annum, payable semi-annually, and shall be sold at a price not less than the par value thereof. Provided, that no bonds shall be issued or sold, under this provision, to such an amount that the interest thereon will exceed the net amount of vehicle license tax collected for the year preceding the issuance of same, and which is set apart for the payment of interest on said bonds. The State Highway Commission or Highway Department shall locate, construct, and maintain highways and State trunk roads so as to connect each county seat with the county seat of the adjoining county by the most direct or most feasible route by a permanent road, having due regard to the public welfare, and to connect the county seats of the several border counties at or near the State line with a public road in the border states. Provided, that in counties which are divided into two or more judicial divisions in each of which regular terms of circuit court are held, the places where said terms of court are held shall likewise be connected with each other. It shall be the duty of said highway commission or highway department to equitably apportion among the several counties the expenditure of both money and labor and the time or times of making such investments. Not less than one-quarter of a million dollars of the proceeds of these bonds shall be set

aside and expended by the State Highway Commission in each county of the State. To create a sinking fund for the prompt and faithful payment of the principal and interest on these bonds and for the construction, maintenance, and improvement of such public highways, roads, and bridges, the Legislature shall levy a special annual license or privilege tax on all automobiles, and on all motor driven vehicles which may be used on the public roads and highways of this State. Such bonds when issued shall be a direct obligation of the State, and for the prompt and faithful payment of the principal and interest thereon the full faith and credit of the State is hereby irrevocably pledged, and such bonds shall be exempt forever from all taxes of every kind. "Yes....." "No....." The choice of the elector shall be indicated by a cross mark made by him or under his direction opposite the word expressing his desire.

Section 4. Officers to hold such election shall be the same, and shall be appointed in the same manner and by the same officials as now provided by the election laws of the State for the appointment of officers to hold elections in this State and the election shall be held in all things in accordance with this act, the law governing general elections, and the constitutional provisions concerning amendments to the Constitution.

Section 5. The votes cast at such election shall be canvassed, tabulated, and returns thereof made to the Secretary of State, and counted in the same manner as in elections for representatives to the Legislature; and if it shall thereupon appear that a majority of the qualified electors who voted at such election upon the proposed amendment voted in favor of the same, such amendment shall be valid to all intents and purposes as a part of the Constitution of the State of Alabama. The result of such election shall be made known by a proclamation of the Governor.

Approved October 29, 1921.

No. 31)

AN ACT

(S. 59—Rogers)

To provide for incorporation of co-operative marketing associations for marketing farm products; to provide for certain of such associations to have capital stock and others be without capital stock; to provide for membership in such associations and for government and restrictions of membership; to give certain powers to such associations and provide how they shall do business.

Be it enacted by the Legislature of Alabama, as follows:

Section 1. That the following definition of words and phrases shall be applied to the construction of this act, to-wit: (a) The term "agricultural products" shall include horticultural, viticul-

tural, forestry, dairy, live stock, poultry, bee and any farm products. (b) The term "member" shall include actual members of associations without capital stock and holders of common stock in organizations organized with capital stock. (c) The term "association" means any corporation organized under this act, and (d) The term "person" shall include individuals, firms, partnerships and associations.

Sec. 11½. Associations organized hereunder shall be deemed non-profit, inasmuch as they are not organized to make profits for themselves, as such, or for their members as such, but only for their members as producers. This act shall be referred to as "Co-operative Marketing Act."

Sec. 2. That five (5) or more persons engaged in the production of agricultural products may form a non-profit co-operative association with or without capital stock, under the provisions of this act.

Sec. 3. That an association may be organized to engage in any activity in connection with the marketing or selling of the agricultural products of its members, or with the harvesting, preserving, drying, processing, canning, packing, storing, handling, shipping, ginning or utilization thereof; or in connection with the manufacturing, selling, or supplying to its members of machinery, equipment or supplies; or in the financing of the above enumerated activities; or in any one or more of the activities specified herein.

Section 4. That each association incorporated under this act shall have the following powers: (a) To engage in any activity in connection with the marketing, selling, harvesting, preserving, drying, processing, canning, packing, storing, handling, ginning or utilization of any agricultural products produced or delivered to it by its members; or the manufacturing or marketing of the by-products thereof; or in connection with the purchase, hiring, or use by its members of supplies, machinery or equipment; or in the financing of any such activities or in any one or more of the activities specified in this section. No association, however, shall handle the agricultural products of any non-member. (b) To borrow money and to make advances to members. (c) To act as the agent or representative of any member or members in any of the above mentioned activities. (d) To purchase or otherwise acquire, and to hold, own, and exercise all rights of ownership in, and to sell, transfer, or pledge shares of the capital stock or bonds of any corporation or association engaged in any related activity or in the handling or marketing of any of the products handled by the association. (e) To establish reserves and to invest the funds thereof in bonds or such other property as may be provided in the by-laws. (f) To buy, hold and exercise all privileges of ownership over such real or personal property as

may be necessary or convenient for the conducting and operation of any of the business of the association or incidental thereto. (g) To establish, secure, own and develop patents, trade marks and copyrights. (h) To do each and everything necessary, suitable or proper for the accomplishment of any one or more of the objects herein enumerated; or conducive to or expedient for the interest or benefit of the association; and to contract accordingly; and in addition to exercise and possess all powers, rights and privileges necessary or incidental to the purpose for which the association is organized or to the activities in which it is engaged; and in addition, any other rights, powers, and privileges granted by the laws of this State to ordinary corporations, except such as are inconsistent with express provisions of this act, and to do any such thing anywhere. (i) To have a corporate seal. (j) To own, buy, and sell all kinds of property. (k) To sue and be sued.

Section 5. That under the terms and conditions prescribed in its by-laws an association may admit as members (or issue common stock to) only persons engaged in the production of the agricultural products to be handled by or through the association, including the lessees and tenants of lands used for the production of such products and any lessors and landlords who receive as rent all or any part of the crop raised on the leased premises. If a member of a non-stock association be other than a natural person, such member may be represented by any individual, associate, officer or member thereof, duly authorized in writing. One association organized hereunder may become a member or stockholder of any other association or associations organized hereunder.

Section 6. That each association formed under this act must prepare and file articles of incorporation, setting forth: (a) The name of the association. (b) The purposes for which it was formed. (c) The place where its principal business will be transacted. (d) The term for which it is to exist. (e) The number of directors thereof which must not be less than five (5) and may be any number in excess thereof, and the term of office of such directors; and the names and addresses of the persons who are to serve as incorporating directors until their successors are elected and qualified. (f) If organized without capital stock, whether the property rights and interest of each member shall be equal or unequal; and if unequal, the articles shall set forth the general rule or rules applicable to all members by which the property rights and interests, respectively, of each member may and shall be determined and fixed; and the association shall have the power to admit new members who shall be entitled to share in the property of the association with the old members in accordance with such general rule or rules. This provision of the

articles of incorporation shall not be altered, amended or repealed except by the written consent or the vote of three-fourths of the members. (g) If organized with capital stock, the amount of such stock and number of shares into which it is divided and the par value thereof. The capital stock may be divided into preferred and common stock. If so divided, the articles of incorporation must contain a statement of the number of shares of stock to which preference is granted and the number of shares of stock to which no preference is granted and the nature and extent of the preference and privileges granted to each. The articles must be subscribed by the incorporators and acknowledged by one of them before an officer authorized by the law of this State to take and certify acknowledgments of deeds and conveyances; and shall be filed in accordance with the provisions of the general corporation law of this State. When so filed the said articles of incorporation or certified copies thereof, shall be received in all the courts of this State, and other places as prima facie evidence of the facts contained therein, and of the due incorporation of such association.

Section 7. That the articles of incorporation may be altered or amended at any regular meeting or any special meeting called for that purpose. An amendment must first be approved by two-thirds of the directors and then adopted by a vote representing a majority of all the members of the association. Amendments to the articles of incorporation when so adopted shall be filed in accordance with the provisions of the general corporation law of this State.

Section 8. That each association incorporated under this act, must, within thirty (30) days after its incorporation, adopt for its government and management, a code of by-laws, not inconsistent with the powers granted by this act. A majority vote of the members or stockholders, or their written assent, is necessary to adopt such by-laws. Each association under its by-laws, may also provide for any or all of the following matters: (a) The time, place and manner of calling and conducting its meetings. (b) The number of stockholders or members constituting a quorum. (c) The right of members or stockholders to vote by proxy or by mail or by both, and the conditions, manner, form and effects of such votes. (d) The number of directors constituting a quorum. (e) The qualification, compensation and duties and term of office of directors and officers; time of their election and the mode and manner of giving notice thereof. (f) Penalties for violations of by-laws. (g) The amount of entrance, organization and membership fees, if any; the manner and method of collection of the same, and the purposes for which they may be used. (h) The amount which each member or stockholder shall be required to pay annually or from time to time, if at all, to

carry on the business of the association, the charge, if any, to be paid by each member or stockholder for services rendered by the association to him and the time of payment and manner of collection; and the marketing contract between the association and its members or stockholders which every member or stockholder may be required to sign. (i) The number and qualification of members or stockholders of the association and the conditions precedent to membership or ownership of common stock, the method, time and manner of permitting members to withdraw or the holders of common stock to transfer their stock; the manner of assignment and transfer of the interest of members, and of the shares of common stock; the conditions upon which, and the time when, membership of any member shall cease. The automatic suspension of the rights of a member when he ceases to be eligible to membership in the association, and mode, manner and effect of the expulsion of a member; manner of determining the value of a member's interest and provision for its purchase by the association upon the death or withdrawal of a member or stockholder, or upon the expulsion of a member or forfeiture of his membership, or, at the option of the association, by conclusive appraisal by the board of directors. In case of the withdrawal or expulsion of a member, the board of directors shall equitably and conclusively appraise his property interests in the association and shall fix the amount thereof in money which shall be paid to him within one year after such expulsion or withdrawal.

Section 9. That in its by-laws each association shall provide for one or more regular meetings annually. The board of directors shall have the right to call a special meeting at any time, and ten per cent of the members or stockholders may file a petition stating the specific business to be brought before the association and demand a special meeting at any time. Such meeting must thereupon be called by the directors. Notice of all meetings, together with a statement of the purpose thereof, shall be mailed to each member at least ten days prior to the meeting; provided, however, that the by-laws may require instead that such notice may be given by publication in a newspaper of general circulation, published at the principal place of business of the association.

Section 10. That the affairs of the association shall be managed by a board of not less than five directors, elected by the members or stockholders from their own number. The by-laws may provide that the territory in which the association has members shall be divided into districts and that the directors shall be elected according to such districts. In such case the by-laws shall specify the number of directors to be elected by each district, the manner and method of re-apportioning the directors

and redistricting the territory covered by the association. The by-laws may provide the primary elections shall be held in each district to elect the directors apportioned to such districts and the results of all such primary elections must be ratified by the next regular meeting of the association. The by-laws may provide that one or more directors may be appointed by the State Commissioner of Agriculture, the President of the College of Agriculture or any other public official or commission. The director or directors so appointed need not be members or stockholders of the association, but shall have the same powers and rights as other directors. An association may provide a fair remuneration for the time actually spent by its officers and directors in its service. No director, during the term of his office, shall be a party to a contract for profit with the association differing in any way from the business relations accorded regular members or holders of common stock of the association, or to any other kind of contract differing from terms generally current in that district. When a vacancy on the board of directors occurs, other than by expiration of term, the remaining members of the board, by a majority vote, shall fill the vacancy, unless the by-laws provide for an election of directors by district. In such a case the board of directors shall immediately call a special meeting of the members or stockholders in that district to fill the vacancy.

Section 11. That the directors shall elect from their number a president and one or more vice-presidents. They shall also elect a secretary and treasurer, who need not be directors, and they may combine the two latter offices and designate the combined office as secretary-treasurer. The treasurer may be a bank or any depository, and such shall not be considered as an officer but as a function of the board of directors. In such case the secretary shall perform the usual accounting duties of the treasurer, excepting that the funds shall be deposited only as authorized by the board of directors.

Section 12. That when a member of an association established without capital stock has paid his membership fee in full, he shall receive a certificate of membership. No association shall issue stock to a member until it has been fully paid for. The promissory notes of the members may be accepted by the association as full or partial payment. The association shall hold the stock as security for the payment of the note, but such retention as security shall not affect the member's right to vote. Except for debts lawfully contracted between him and the association, no member shall be liable for the debts of the association to an amount exceeding the sum remaining unpaid on his membership fee or his subscription to the capital stock, including any unpaid balance or any promissory notes given in payment

thereof. No stockholder of a co-operative association shall own more than twenty per cent (20%) of the common stock of the association; and an association, in its by-laws, may limit the amount of common stock which one member may own to any amount less than twenty per cent of the common stock. No member or stockholder shall be entitled to more than one vote. Any association organized with stock under this act may issue preferred stock, with or without the right to vote. Such stock may be redeemable or retirable by the association on such terms and conditions as may be provided for by the articles of incorporation and printed on the face of the certificate. The by-laws shall prohibit the transfer of the common stock of the association to persons not engaged in the production of the agricultural products handled by the association, and such restrictions must be printed upon every certificate of stock subject thereto. The association may at any time except when the debts of the association exceed fifty per cent (50%) of the assets thereof, buy in or purchase its common stock at book value thereof as conclusively determined by the board of directors and pay for it in cash within one (1) year thereafter.

Section 13. That any member may bring charges against an officer or director by filing them in writing with the secretary of the association, together with a petition signed by ten per cent (10%) of the members, requesting the removal of the officer or director in question. The removal shall be voted upon at the next regular or special meeting of the association, and by a vote of a majority of the members, the association may remove the officer or director in question. The removal shall be voted upon at the next regular or special meeting of the association and by a vote of a majority of the members, the association may remove the officer or director and fill the vacancy. The director or officer against whom such charges have been brought shall be informed in writing of the charges previous to the meeting and shall have an opportunity at the meeting to be heard in person or by counsel and to present witnesses; and the person or persons bringing the charges against him shall have the same opportunity. In case the by-laws provide for election of directors by districts with primary elections in each district, then the petition for removal of a director must be signed by twenty per cent of the members residing in the district from which he was elected. The board of directors must call a special meeting of the members residing in that district to consider the removal of the director. By a vote of a majority of the members of that district, the director in question shall be removed from office.

Section 14. That upon demand of one-third of the entire board of directors any matter that has been approved or passed by the board must be referred to the entire membership or the

stockholders for decision at the next special or regular meeting; provided, however, that a special meeting may be called for the purpose.

Section 15. That the association and its members may make and execute marketing contracts, requiring the members to sell, for any period of time, not over ten years, all or any specified part of their agricultural products or specified commodities exclusively to or through the association or any facilities to be created by the association. The contract may provide that the association may sell or resell the products of its members, with or without taking title thereto; and pay over to its members, with or without taking title thereto; and pay over to its members the resale price, after deducting all necessary selling, overhead and other costs and expenses including interest on preferred stock, not exceeding eight per cent (8%) per annum, and reserves for retiring the stock, if any, and other proper reserves; and interest not exceeding eight per cent (8%) per annum upon common stock; or other items deemed proper. The by-laws and the marketing contract may fix, as liquidated damages, specified sums to be paid by the member or stockholder to the association upon the breach by him of any provision of the marketing contract regarding the sale or delivery or withholding of products; and may further provide that the member will pay all costs, premiums for bonds, expenses and fees in case any action is brought upon the contract by the association; and any such provisions shall be valid and enforceable in the courts of this State. In that event of any such breach or threatened breach of such marketing contract by a member, the association shall be entitled to an injunction to prevent the further breach of the contract, and to a decree of specific performance thereof. Pending the adjudication of such an action and upon filing a verified complaint showing the breach or threatened breach, and upon filing a sufficient bond, the association shall be entitled to a temporary restraining order and preliminary injunction against the member.

Section 16. That whenever an association organized hereunder with preferred capital stock, shall purchase the stock or any property or any interest in any property of any person, firm or corporation, or association, it may discharge the obligations so incurred wholly or in part, by exchanging for the acquired interest, shares of its preferred capital stock to an amount which at par value would equal a fair market value of the stock or interest so purchased, as determined by the board of directors. In that case the transfer to the association of the stock or interest purchased shall be equivalent to payment in cash for the shares of stock issued.

Section 17. That each association formed under this act shall prepare and make out an annual report on forms furnished by

the Secretary of State containing the name of the association, its principal place of business and a general statement of its business operations during the fiscal year, showing the amount of capital stock paid up and the number of stockholders of a stock association or the number of members and amount of membership fees received, if a non-stock association; the expenses of operations; the amount of its indebtedness, or liability, and its balance sheets.

Section 18. That any provisions of law which are in conflict with this act shall not be construed as applying to the associations herein provided for.

Section 19. That no person, firm, corporation, or association hereafter organized or doing business in this State as a co-operative association to market agricultural products shall be entitled to use the word, "co-operative" as a part of its corporate or other business name or title unless it has complied with the provisions of this act. Any person, firm, corporation or association now organized and existing or doing any such business in this State, and embodying the word "co-operative" as part of its corporate or other business name or title, and which is not organized in accordance with the provisions of this act, must, within six months from the date at which this act goes into effect, eliminate the word "co-operative" from its said corporate or other business name or title.

Section 20. That the association may organize, form, operate, own, control, have an interest in, own stock of, or be a member of any other corporation or corporations, with or without capital stock, and engaged in preserving, drying, processing, canning, packing, storing, handling, shipping, ginning, utilizing, manufacturing, marketing or selling of the agricultural products handled by the association, or the by-products thereof. If such corporations are warehousing corporations, they may issue legal warehouse receipts to the association or to any other person and such legal warehouse receipts shall be considered as adequate collateral to the extent of the current value of the commodity represented thereby. In case such warehouse is licensed or licensed and bonded under the laws of this State or the United States, its warehouse receipts shall not be challenged or discriminated against because of ownership or control, wholly or in part, by the association.

Section 21. That any association may, upon resolution adopted by its board of directors, enter into all necessary and proper contracts and agreements, and make all necessary and proper stipulations, agreements and contracts and arrangements with any other co-operative corporation, association or associations, formed in this or in any other State, for the co-operative and more economical carrying on of its business or any part or

parts thereof. Any two or more associations may, by agreement between them, unite in employing and using or may separately employ and use the same methods, means, and agencies for carrying on and conducting their respective business.

Section 22. That any association already in existence may by a majority vote of its stockholders or members be brought under the provisions of this act adopting restrictions provided herein and complying with requirements of this act.

Section 23. That no association organized hereunder shall be deemed to be a combination in restraining of trade or an illegal monopoly; or an attempt to lessen competition or fix prices arbitrarily; nor shall the marketing contracts or agreements between the association and its members or any agreements authorized in this act be considered illegal or in restraint of trade.

Section 24. That if any section of this act shall be declared unconstitutional for any reason, the remainder of the act shall not be affected thereby.

Section 25. That the provisions of the general corporation laws of this State, and all powers and rights thereunder, shall apply to the associations organized hereunder, except where such provisions are in conflict with or inconsistent with the express provisions of this act.

Section 26. For examining and filing corporation papers under provisions of this act the probate judge in whose office the same is filed shall receive a fee of two dollars and be paid fifteen cents per hundred words for recording the same; the Secretary of State for the use of the State shall be paid five dollars for filing certificate of incorporation forwarded by Probate Judge as provided by law.

Section 27. That for the filing articles of incorporation, an association organized hereunder shall pay ten dollars (\$10.00); and for filing an amendment to the articles, two and one-half dollars (\$2.50).

Section 28. That all laws and parts of laws in conflict with this act be, and the same are hereby repealed.

Approved October 29, 1921.

No. 32)

AN ACT

(S. 25—Rogers

To make it unlawful for any person to obtain money or other property or credit by check, draft or order which is not paid by the drawee; and where the same is not refunded or restored by such person on written demand mailed to his last known address; and to make the fact of such person not having on deposit with the drawee such money or other property prima facie evidence of said fraudulent intent.

Be it enacted by the Legislature of Alabama:

Section 1. That any person who shall obtain, with fraudulent intent, money or other property which may be subject of larceny, or who shall obtain credit with like intent, by means of a check, draft or order, of which he is the maker or drawer, which is not paid by the drawee, shall be guilty of a misdemeanor if the amount or value is thirty dollars or less; if the amount or value is more than thirty dollars he shall be guilty and punishable as in the case of larceny, of such money or other property, or of anything of value obtained on such credit, unless payment is made of such check, draft or order after giving seven days written notice mailed to the drawer's last known address, and the fact that such maker or drawer did not have on deposit or to his credit with the bank, person, firm or corporation, upon which such check, draft or order is drawn, sufficient funds to pay the same when presented unless such check or draft is paid or accepted when presented, shall be prima facie evidence of fraudulent intent.

Section 2. Be it further enacted, That all laws and parts of laws in conflict herewith be, and the same are, hereby repealed, and that this Act shall take effect from and after its passage and approval by the Governor, the public welfare requiring it.

Approved November 1, 1921.

No. 33)

AN ACT

(S. 52—West

To amend Section 197 of an Act entitled "An Act to provide for the general revenue of the State of Alabama."

Be it enacted by the Legislature of Alabama:

Section 1. That Section 197 of an Act entitled "An Act to provide for the general revenue of the State of Alabama," approved Sept. 15th, 1919, be and the same is hereby amended so as to read as follows:

"Section 197. The Tax Collector shall be entitled to receive commissions on taxes collected by him as follows, to-wit: In counties where collections do not exceed twelve thousand dollars, the rate of commission shall be eight per cent on the first thousand and dollars, four per cent on the second thousand dollars, and two per cent on the remainder. In counties where the collection exceeds twelve thousand dollars, the commission shall be as above declared up to twelve thousand, and one and one-half per cent on the remainder up to sixty thousand dollars, and on all above sixty thousand dollars, one per cent. He shall also be en-

titled to receive two per cent on all collections made by him of special taxes, whether such special taxes be levied for the State or county. The Tax Assessors and Tax Collectors shall receive such commissions as may be allowed by the commissioners court, boards of revenue or other governing bodies of the several counties of the State, to be not less than one-half of one per cent, and not more than one per cent each, as fees on all school funds assessed and collected by them, to be paid out of such special taxes. Provided, however, that in counties of more than 150,000 population according to the last Federal census, or any subsequent Federal census, no fees or commissions shall be allowed for assessing and collecting the three mill county school tax and the three mill district school tax, but in lieu thereof the Tax Collector and Tax Assessor of such counties shall each retain the sum of One Thousand (\$1,000) Dollars per annum for their services rendered in assessing and collecting such taxes, which said amount shall not be paid by said Assessor or Collector into the general funds of the county, and said Collector or Assessor may retain such amount out of the three mill county school tax when he makes payment to the Treasurer of the County School Board. The Collector may retain his commissions upon collection when he makes payment into the State Treasury.

Be it further enacted that this bill will become effective when approved by the Governor of Alabama. All laws and parts of laws in conflict herewith, are hereby repealed.

Approved November 1, 1921.

No. 34)

(S. 74—Talley

AN ACT

To authorize the State Treasurer to refund to County Fair Associations any license money paid by such Association after the first day of July, 1921, and before the first day of October, 1921, and to authorize the Auditor to draw his warrant for such sum or sums in favor of the Association paying same.

Be it enacted by the Legislature of Alabama:

Section 1. That the Treasurer of this State be and he is hereby authorized and required to refund any and all license money paid to this State by any County Fair Association after the first day of July and before the first day of October, 1921, and the Auditor is hereby authorized and required to issue his warrant for such sum or sums to the association paying the same.

Section 2. That all laws and parts of laws in conflict with the provisions of this bill be and the same are hereby repealed.

Approved October 31, 1921.

No. 36)

(S. 2—Smith)

AN ACT

To protect state and county officials and other persons against suits to recover money paid out, under statutes subsequently held to be unconstitutional or void.

Section One. *Be it enacted by the Legislature of Alabama,* That when any State or county official shall have collected or paid out any money, as fees, salary or compensation for official services rendered under any law of Alabama, General or Special, which law, subsequent to such collecting or paying out, shall be declared by any court of Alabama to be unconstitutional or void or illegal, such officer shall not be liable, either individually or on his official bond, in any suit brought for the recovery of such money, so collected or paid out, nor shall the person to whom the same shall have been paid, be liable therefor.

Section Two. *Be it further enacted* that all laws and parts of laws in conflict with the provisions of this Act, be and the same are hereby especially repealed.

Approved November 1, 1921.

No. 37)

(S. 34—Craft)

AN ACT

To empower any city or municipal corporation by resolution of its governing body to resume or take over the authority to control, manage, supervise, repair, maintain and improve any street or streets or any part thereof lying within such city or municipal corporation, where such authority is now or may hereafter be vested in the board of county commissioners or other governing body of the county in which such city or municipal corporation is located, upon such county's paying or contracting to pay such sum or sums as may be ascertained and designated in such resolution as the reasonable charge to be paid by such county for being relieved of the burden of the control, management, supervision, repair, maintenance and improvement of such street or streets or part thereof; and to repeal all laws and parts of laws in conflict with the provisions of this act.

Be it enacted by the Legislature of Alabama:

Section 1. That where the authority to control, manage, supervise, repair, maintain, and improve any street or streets or any part thereof lying within any city or municipal corporation is vested in the board of county commissioners or other governing body of the county within which such city or municipal corporation is located, such city or municipal corporation may from time to time resume or take over the authority to control, manage, supervise, repair, maintain, and improve such street or streets or part thereof designated in resolution adopted by the

governing body of such city or municipal corporation to resume or take over such authority.

Section 2. That such resolution shall designate the sum or sums ascertained to be the reasonable charge to be paid by such county for being relieved of the burden of the control, management, supervision, repair, maintenance, and improvement of such street or streets or part thereof designated in said resolution, and no such resolution shall become effective until and unless the county shall by appropriate action of its governing body pay or contract to pay such sum or sums as may be designated in such resolution.

Section 3. Be it further enacted: That all laws and parts of laws in conflict with the provisions of this act be and the same are hereby repealed, and that this act shall take effect upon its approval by the governor.

Approved November 1, 1921.

No. 38)

AN ACT

(S. 77—Rogers)

To provide further for the payment of expenses of treatment, out of the State Treasury, of indigent persons who have been bitten by mad dogs or other mad animals.

Be it enacted by the Legislature of Alabama:

Section 1. Any person who has been bitten by mad dogs or other mad animals and who shall furnish satisfactory proof of the same to the Circuit Clerk of the county in which such person was so bitten, and who shall furnish to the Circuit Clerk good and sufficient proof that he or she is not financially able to pay his or her expenses for treatment at the pasteur institute of this State, or by other physician or board as directed or authorized by the State or County Health Department, may have his or her expenses paid to and from Montgomery and likewise any other necessary or proper expenses while under treatment at the said institute or as authorized by the State or County Board of Health, payable out of the State Treasury, upon the certificate of the Clerk of the Circuit Court, which certificate must be approved by the State Health Officer. The payment to be made upon a warrant drawn by the State Auditor for the amount, approved by the Clerk of the Circuit Court and by the State Health Officer as herein provided.

Section 2. There is hereby appropriated out of the State Treasury a sufficient amount to pay these claims as authorized and provided for in this act.

Section 3. The amount appropriated under this act shall not exceed the sum of twenty thousand dollars (\$20,000.00).

Approved November 3, 1921.

No. 39)

(S. 18—Baker

AN ACT

To amend Section 6906 of the Code of Alabama, (1907.)

Be it enacted by the Legislature of Alabama:

Section 1. That Section 6906 of the Code of Alabama, 1907, be amended so as to make it read as follows:

6906. Burning woods willfully: Any person who willfully sets fire to woods, forests, fences, grass or rubbish of any kind, on lands of which he is not in possession or control at the time of setting out such fire, or who willfully causes fire to be communicated to such woods, forests, fences, grass, or rubbish, shall be guilty of a misdemeanor, and on conviction must be fined not less than ten, nor more than two hundred dollars.

Approved October 29, 1921.

No. 41)

(S. 68—Acker

AN ACT

To amend Section 3983, of the Code of 1907—(Volume 2, page 630, of the Code of 1907.)

Be it enacted by the Legislature of Alabama:

Section 1. That Section 3983, of the Code of 1907,—(Volume 2, page 630, of the Code of 1907.)—Be and the same is hereby amended so as to read as follows:

3983. Transcripts of Books kept in office of any Public Officer, Evidence:—All transcripts of books or papers or parts thereof, required by law to be kept in the office, custody or control of any public officer, agent, servant or employee of any municipality, city, county, or of the State of Alabama, or of the United States when certified by the proper custodian thereof, must be received in evidence in all courts; and it is no objection to such transcript that the book from which it is taken is a copy of office books belonging to the United States; that it is the duty of all such officers under jurisdiction and laws of the State of Alabama, and counties and cities therein, to furnish all such transcript of any documents, official books and papers in their possession, custody or control, when requested so to do by

any person, firm or corporation, tendering to such officer or custodian of such records, the proper amount of fees and charges required or necessary to pay for the making of such transcripts.

That any person violating the provisions hereof is guilty of a misdemeanor, and shall upon conviction be fined not less than Fifty Dollars (\$50.00) nor more than Five Hundred Dollars (\$500.00) and imprisoned or sentenced to hard labor for the county for not more than twelve months one or both at the discretion of the court trying same. All laws and parts of laws in conflict with the provisions of this act be and the same are hereby repealed.

Approved October 31, 1921.

No. 42)

(S. J. R. 36—Rogers)

SENATE JOINT RESOLUTION

Be it resolved by the Senate, the House concurring, that the Secretary of the Senate, Assistant Secretary of the Senate, Chief Clerk to the Secretary and five clerks; and the Clerk of the House, Assistant Clerk of the House, Reading Clerk of the House and five clerks, to be named by the Secretary of the Senate and Clerk of the House, respectively, be given a period of three weeks or so much thereof as may be necessary after the final adjournment of this session of the Legislature, to check and compare the journals and registers of the two houses, at the same per diem as they are now allowed by law. Be it further resolved that the clerks employed under this resolution shall be relieved from duty as the work is finished.

Approved October 31, 1921.

No. 45)

AN ACT

(S. 54—Craft

To repeal "An Act entitled an Act to promote the public health, convenience and welfare by leveeing, ditching, draining and pumping out the water from the wet swamp and overflowed lands in all counties of Alabama having in them incorporated cities which now have or which may hereafter have a population of as much as fifty thousand and less than one hundred and twenty-five thousand people, according to the last federal census, or any such census which may hereafter be taken, and providing for the establishment of levee or drainage districts for the purpose of enlarging or changing any natural water courses and for digging ditches or canals for securing better drainage, or providing better outlets for drainage, for building levees or embankments and installing tide gates or pumping plants for the reclamation of

overflowed and tidal lands, and prescribing a method for so doing, and providing for the assessment and collection of the costs and expenses of the same, and issuing and selling bonds therefor, and for the care and maintenance of such improvements, when constructed." "Approved September 30, 1919."

Be it enacted by the Legislature of Alabama:

Section 1. That an Act entitled an Act to promote the public health, convenience and welfare by leveeing, ditching, draining and pumping out the water from the wet swamp and overflowed lands in all counties of Alabama having in them incorporated cities which now have or which may hereafter have a population of as much as fifty thousand and less than one hundred and twenty-five thousand people, according to the last Federal census, or any such census which may hereafter be taken, and providing for the establishment of levee or drainage districts for the purpose of enlarging or changing any natural water courses, and for digging ditches or canals for securing better drainage, or providing better outlets for drainage, for building levees or embankments and installing tide gates or pumping plants for the reclamation of overflowed and tidal lands, and prescribing a method for so doing, and providing for the assessment and collection of the costs and expenses of the same, and issuing and selling bonds therefor, and for the care and maintenance of such improvements, when constructed, approved September 30, 1919, be and the same is hereby repealed.

Section 2. That this act shall take effect upon its passage and approval by the Governor.

Approved November 1, 1921.

No. 46)

AN ACT

(H. 45—Arnold

To provide further for the construction, repair, and maintenance of the public roads, bridges, and highways in this State.

Be it enacted by the Legislature of Alabama:

Section 1. There is hereby created a State Highway Department for the State of Alabama, which shall consist of a State Highway Commission and a State Highway Engineer. The Commission shall consist of the Senior Professor of Civil Engineering in the Alabama Polytechnic Institute, and the State Geologist, and ten other members, to be appointed by the Governor, one from each Congressional District who shall be a bona fide resident and qualified elector of the District for which he is appointed. Unless otherwise removed from office as is pro-

vided for in this act, four of the first appointed members shall serve for two years from October 1st, 1919, three of said members shall serve for a term of four years from said date, and three of said members for a term of six years from said date, after which the term of each appointed member shall be for four years, unless sooner removed as is provided for in this act. The Governor may remove any member as is now provided by law for the removal of appointed officers by the Governor. All vacancies in the appointive membership of the Commission shall be filled by appointment of the Governor for the unexpired term. Seven of the members of the State Highway Commission shall constitute a quorum for the transaction of business of the State Highway Department. Notice of all meetings of the Commission shall be given by the Secretary of the Commission in such manner and under such rules or regulations as may be prescribed by the Commission. The members of the Commission shall serve without compensation, but each shall receive and be allowed traveling and other expenses incurred by him in the discharge of his official duties.

Section 2. The State Highway Commission shall consider and determine all questions relating to the general policy of the State Highway Department and the conduct of its work and in the performance of its duties. It shall consider and receive the report of the State Highway Engineer, and act for the State Highway Department in all matters which have not been especially delegated to the State Highway Engineer. It shall be the duty of the Commission, with the advice of the State Highway Engineer, to designate the roads to be constructed, repaired and maintained, and to construct, standardize, repair and maintain roads and bridges in this State; and to that end and for that purpose the Commission may disburse any moneys hereby or otherwise appropriated, or set apart for the construction, repair, or maintenance of the public roads, bridges and highways of this State. On or before the first day of April in each year it shall be the duty of the Commission to submit a printed report to the Governor, stating as near as possible the number of miles of roads built or improved and also the culverts and bridges constructed during the preceding fiscal year, showing the cost and general character of same and the location of materials suitable for road construction, showing where such roads, culverts and bridges have been constructed. The Commission shall also recommend to the Governor and Legislature such legislation as it deems advisable and furnish any other information concerning road and bridge improvements as may be deemed expedient by the Governor or the Legislature.

Section 3. The Commission shall elect one of its members as chairman and it shall have a seal and each member of the com-

mission shall have the power to administer oaths, make affidavits and make certificates. The Department shall be provided with suitable offices at the State Capitol, or such other places as the needs of the Department may require, which offices shall be under the charge and control of the State Highway Engineer and they shall be kept open at such times as the business of the Department and the convenience and interest of the public shall require. The offices shall be conveniently and properly furnished at the expense of the State and shall be the depository for all records of the State Highway Department. The Commission may hold meetings at such times and places as it may deem essential or expedient for the proper carrying out of the provisions of this Act, or the discharge of its duties, provided, that nothing in this section shall interfere or conflict with the jurisdiction, authority or duties of the Governor, State Budget Commission or the State Board of Control and Economy.

Section 4. The Commission shall elect a State Highway Engineer who shall be a competent civil engineer, having had not less than six years responsible engineering experience of which not less than three years must have been in responsible highway engineering. The Highway Engineer shall hold office at the pleasure of the Commission and his salary, not to exceed six thousand dollars per annum, shall be fixed by the Commission, and be payable monthly. The State Highway Engineer shall also be allowed his actual and necessary traveling and other expenses as provided by law while engaged in the performance of his official duties and he shall give his whole time to the duties of his office. He shall take the constitutional oath of office and both he and such of his assistants as the Governor may designate or require shall execute bonds, payable to the State, in some guaranty company doing business in Alabama, which bonds shall be approved by the Governor and conditioned upon the faithful and efficient performance of their official duties. The cost of premiums of such bonds shall be paid by the State Highway Department. The State Highway Engineer shall keep an official record of all the acts and doings of the State Highway Commission and with the consent of the Commission and the approval of the Governor, he may employ such assistant engineers, chemist, clerks, stenographers, draftsmen, foremen, and laborers as may be necessary for the proper carrying on of the work of the State Highway Department and may fix their compensation and the time of payment which shall be paid out of the State Highway Fund. The State Highway Engineer shall give such advice and assistance to all county and municipal officials with regard to the construction and maintenance of roads and bridges in the State as his time and other duties may permit and in accordance with the rules and regulations prescribed by the

Commission. The State Highway Engineer and his assistants may be required to attend public meetings held in or out of the State in the interest of improving roads and bridges or the construction and maintenance of the same. The State Highway Commission shall be, and it is hereby made, subject to the provision of the Act establishing the State Budget Commission approved February 11, 1919, and none of the provisions of the Act are to be construed as conflicting, altering, impairing, or repealing any provision of said Act.

Section 5. Motor vehicles used by the State Highway Department, its officials or engineers shall not be subject to any State, county or municipal license.

Section 6. The Attorney General of the State shall be ex-officio attorney for the State Highway Department and shall give such Department such legal counsel as it may require. He shall receive his necessary traveling expenses as provided by law when in the performance or the discharge of his duties as ex-officio attorney for said Department.

Section 7. The State Highway Engineer shall keep on file in his office copies of all plans and specifications prepared by the State Highway Department and the files and records of such Department shall, under reasonable regulations, be kept open for inspection of the public at all reasonable hours. Certified copies of such records shall be received in evidence in all the courts of this State.

Section 8. The State Highway Engineer shall cause to be made and kept in his office a general highway map of the State which shall show all State Trunk Roads; he shall collect information and prepare statistics relative to the mileage, character and condition of the roads and bridges in all counties of the State. He shall investigate and determine the methods of road construction best adapted to the various sections of the State and shall establish standards for the maintenance of roads and bridges which have been constructed with State aid. He may at all reasonable times be consulted by county and municipal officials relative to any matter relating to the construction of roads and bridges or culverts and he may also call on all county and municipal officials for any information or assistance he may require and it shall be their duty to supply the same. Any county or municipal official who wilfully and without just excuse fails or refuses to supply such information when requested by the Engineer shall be guilty of a misdemeanor and upon conviction be fined not less than ten nor more than one hundred dollars. The State Highway Engineer shall determine the character and have the general supervision over the construction and maintenance of all the public roads, bridges and culverts in the State where the funds of the State are used. He shall report

all the proceedings of his office to the State Highway Commission at such times and places as it may designate.

Section 9. There is hereby appropriated to the State Highway Department, for its use the entire net revenue derived by the State from the sale of motor vehicle licenses, and there is also hereby appropriated to the State Highway Department out of the net revenue derived from the convict fund of the State of Alabama, the sum of fifty thousand dollars per annum, the same to be applied to the construction, maintenance and repair of public roads and bridges in this State, provided that all funds accruing from other sources to said State Highway Department for its use and for the improvement of the public roads, culverts and bridges in Alabama, and being in the State treasury shall be in lieu of said convict fund herein above provided for to the extent of the amount thereof, thereby relieving said convict fund pro tanto to such extent. Said State Highway Fund shall be paid out of the Treasury on the State Auditor's warrant drawn upon presentation to him of the certificate of the State Highway Commission signed by the State Highway Engineer and approved by the Governor; provided, that in the event that the State shall issue bonds for the construction of public roads, the appropriation herein made shall be used for the payment of interest on said bonds and maintenance of roads and provide a sinking fund and for the maintenance of the Department.

Section 10. When any county shall have appropriated any sum of money since Oct. 1, 1919, to match a like sum of money given by the Federal government through the State Highway Department for road or bridge construction; or if any county in the State shall hereafter appropriate any sum of money to so match Federal funds, the said county shall be refunded an amount equal to the amount expended by the county on the project by the State Highway Commission from any funds that may be derived from the sale of State road bonds. Such payment shall be made on certificates to the State Auditor by the State Highway Engineer approved by the chairman of the State Highway Commission and the Governor to the effect that such county is entitled to such sum or funds. Provided, however, that nothing in this section shall authorize the expenditure in any county of more than its equitable quota or portion of said fund and provided further that any refund to any county shall be a charge against such county's equitable share of said fund.

Section 11. The State Highway Commission shall have the right and power to adopt all reasonable and necessary rules and regulations for the better construction, repair and maintenance of the public roads and bridges in Alabama which the Commission shall deem proper. The Commission shall have the power to enter into contracts and agreements with the owners or oper-

ators of telegraph or telephone lines which are constructed or operated along or across the public roads, bridges and highways of this State and to prescribe all reasonable rules and regulations as to the construction, repair or maintenance of the poles, wires and lines of such telegraph or telephone companies so as to insure the safety of the public in using the roads, bridges and highways in this State. The Commission may also prescribe any reasonable rules and regulations so as to prevent unnecessary trespassing upon or injury to any of the public roads, bridges or highways of the State, upon which State money may be expended or appropriated, or upon any part of the right of way of any of the public roads or highways in the State, upon which State money may be expended or appropriated. The Commission shall also have the right and power to prescribe reasonable rules and regulations as to the weight or tonnage of vehicles to be used upon any of the public roads, bridges or highways of the State upon which State money may be expended or appropriated. The Commission shall also have the right and power to contract and enter into agreements with other states as to the construction, repair, or maintenance of any bridge across any stream which forms the boundary line between this and any other state.

Section 12. No member of the State Highway Commission, the State Highway Engineer or any other person in the employ of the State Highway Department shall be either directly or indirectly interested in any contracts or agreements for the construction or maintenance of any road or bridge in this State, or in the sale of any machinery, material or anything whatever entering into the construction, repair or maintenance of the roads and bridges in this State and any person violating the provisions of this section shall be guilty of a misdemeanor and upon conviction thereof shall be fined not less than two hundred nor more than five hundred dollars and may also be sentenced to hard labor at the discretion of the judge trying the case, for not more than one year.

Section 13. The State Highway Commission, subject to the approval of the Governor and subject to the provisions of the State Budget Commission Act and before any apportionment of funds is made, shall reserve out of the State Highway Fund a sufficient sum annually, based upon estimates furnished by the State Highway Engineer, to support the State Highway Department, the balance shall be used in the construction and maintenance and repair of the State Trunk Roads and bridges on the State Trunk Roads as is or may be provided by law. Before making any appropriations to counties of State aid funds, the State Highway Commission shall first set aside out of the State Highway Fund a sum which, in its opinion, is sufficient to secure

the Federal Fund apportioned to this State, so that the State will not lose the benefit of the appropriation of Federal Aid. Whenever the Court of County Commissioners, Board of Revenue or other like governing body of a county shall desire that a State Trunk Road or a bridge on a State Trunk Road in said county be constructed or maintained, with State Aid, written application shall be made by the county to the State Highway Commission under such rules and regulations as the Commission may prescribe. Such applications, when made, shall be considered by the Commission and if approved by it, the State Highway Engineer or one of his assistants shall view said road or bridge and cause to be made surveys, plans specifications and estimates of the cost of construction or maintenance and the State Highway Commission shall thereupon appropriate out of the State Highway Fund such part of the estimated cost of such work as it may deem proper and the State Highway Department shall proceed to do such work by contract or with its own forces. If it deems best, the Commission may condition said appropriation upon the appropriation by the county for said work of an amount fixed by the Commission which shall be paid into the State Treasury to the credit of the State Highway Fund before the work begins, provided that when a county contracts to do such work that said payment into the State Treasury may be waived by the State Highway Commission upon such terms and conditions as the State Highway Commission may prescribe, but when such payment is waived the county must give bond in the amount appropriated by the county in a solvent bond or guarantee company authorized to do business in this State to faithfully perform such conditions or terms prescribed by the State Highway Commission or upon a failure so to do to pay into the State Treasury such amount. Such bond shall be payable to the State of Alabama, and approved by the State Highway Commission and the Governor. Whenever a county fails to make application for the construction or maintenance of a road, or bridge or the Commission deems it best for such work to be done, it may proceed to construct or maintain any part of the State Trunk Road or bridge upon a State Trunk Road and pay part or all of the cost of such work out of the State Highway Fund.

Section 14. The State Highway Engineer shall furnish a competent engineer, when needed, during the progress of road or bridge construction, repair or maintenance in any county under the provisions of this Act, who shall supervise said work and see that the plans and specifications are complied with. Whenever it is proposed to do such work by contract and the estimated cost of such work exceeds five thousand dollars, the State Highway Engineer shall advertise for bids for

at least thirty days in advance of the award of the contract in a newspaper published in the city of Montgomery and in a newspaper published in the county where the work is to be done, and in any other newspaper or periodical if said engineer deems such other publication necessary and he shall receive bids for all or a part of said work and let the contract to the lowest responsible bidder, subject to the approval of the State Highway Commission. He shall reserve the right, however, to reject any and all bids and call for new bids, or perform the work or any part of said work by day labor or convict labor or by entering into a contract with the Convict Department of the State to do such work or labor as he may deem best for the interest of the State and the county. The State Highway Engineer may enter into contracts with any of the counties of this State, or with any of the municipalities of this State as he may with individuals, firms or private corporations, to do any work in the construction, repair, or maintenance of the roads, bridges or highways in this State. When any work is to be done by contract, whether with individuals, firms, private or public corporations, the State Highway Commission shall require a bond by some guaranty company doing business in this State, of the contractor, for the faithful performance of the work agreed and contracted to be done. Such bonds shall be payable to the State of Alabama and shall be approved by the State Highway Commission and it shall be in an amount equal to the contract price and conditioned to do and perform the work in accordance with the contract or agreement and in accordance with specifications to be prescribed by the State Highway Engineer. The State Highway Engineer may authorize partial payments to the contractor performing any road or bridge work as the work may progress. The progress estimates and payments shall be based upon materials placed and labor expended upon the work, but not more than 85% of the contract price of the work shall be paid in advance of the full completion and acceptance of the work. At least 15% of the full contract price of any such work shall be withheld until the work is satisfactorily completed and accepted by the State Highway Engineer.

Section 15. Every contract for road or bridge construction, repair or maintenance under the provisions of this Act shall be made in the name of the State of Alabama, approved by the State Highway Commission and signed by the State Highway Engineer and countersigned by the Chairman of the State Highway Commission.

Section 16. The rights of way deemed necessary by the State Highway Department for a road or bridge constructed under the provisions of this Act shall be acquired by the coun-

ty in which such road is to be located, without expense to the State. Should the county fail or refuse to acquire the necessary right of way, the State through the State Highway Commission shall have authority to acquire such right of way, either by purchase or by the exercise of the right of eminent domain in condemnation proceedings, as is provided for under the laws of this State. The State, acting through the State Highway Commission and its duly authorized employees and the various counties of the State, acting through the Board of Revenue or other like body and their duly authorized employees, in the doing of public road work, shall have and exercise the right, power and authority, when deemed necessary or advisable so to do, to close public roads to traffic, and when possible so to do, to make detour roads and to contract for such land as may be necessary for such detour roads; also to acquire by purchase or by condemnation, land necessary for drainage ditches and borrow pits, lime and stone quarries, clay and clay pits, sand and sand pits, gravel and gravel pits, together with any and all other materials of every character that may be necessary or essential or desired in the construction and maintenance of highways and bridges, and to tap and draw material from the same to such extent as may be desired, the reasonable market value, if any, of such material to be paid for same.

Section 17. No roads constructed or maintained under the provisions of this Act shall be dug up or used for laying pipe lines, pole lines, sewers, railways, or for other similar purposes without the written permit of the State Highway Engineer and then such work shall be done only in accordance with regulations prescribed by said engineer and the cost of replacing the road in as good condition as it was before such work was done shall be paid by the person, firm, or corporation to whom or in whose behalf such permit was given. Such person, firm, or corporation so desiring such work, shall furnish the State with a cash deposit or certified check upon a solvent bank in an amount required by the State Highway Engineer, conditioned that the sum is to be forfeited to the State in the event that said road is not placed in as good condition as it was prior to said work being done, within fifteen days from the time said work is completed.

Section 18. The State Highway Department, subject to the control, authority and supervision of the State Board of Control and Economy, is authorized to rent, construct or purchase such buildings, stock, machinery, tools, material and other equipment as it may find necessary for use upon roads or bridges constructed, or maintained under the provisions of this Act and pay for the same out of the State Highway fund.

It shall also pay out of said funds the necessary expenses of the Department of every description including traveling expenses of the officials and engineers, foremen and clerks, while in the actual performance of their duties authorized or imposed by this Act and also the cost of all supplies or materials furnished for said Department, and for the maintenance of all live stock and machinery used by the Department or its agents. All purchases shall be made through the State Board of Control and Economy as may be provided by law.

Section 19. The State Highway Commission shall have full authority to make such changes or additions to the system of State Trunk Roads to conform to the requirements of the Federal Aid Law, as it may deem proper and construct or maintain the same with State aid under the provisions of this Act.

Section 20. The State Highway Department may work State convicts in the construction or maintenance of public roads and bridges of Alabama as may now or may hereafter be provided by law, or may work State convicts in constructing, repairing, or maintaining public roads or bridges by contract or agreement with the State Convict Department.

Section 21. The State of Alabama hereby assents to the provisions of the Act of Congress approved July 11, 1916, known as the Federal Aid Law, which Act of Congress is entitled "An Act to provide that the United States shall aid the States in the construction of rural post roads and for other purposes," and assents to all subsequent amendments to such Act of Congress. The State Highway Department is hereby authorized to enter into all contracts and agreements with the United States Government relating to the construction, and maintenance of rural post roads under the provisions of said Act of Congress and all amendments thereto, to submit such schemes or programs of construction and maintenance as may be required by the Secretary of Agriculture and to do all other things necessary to fully carry out the co-operation, contemplated and provided for by said Act of Congress and all amendments thereto. The good faith of the State of Alabama is hereby pledged to make available funds sufficient to equal the sum apportioned to the State by or under the United States government and to maintain the roads constructed under the provisions of the Act of Congress or any amendment thereto and to make adequate provision for caring for such maintenance.

Section 22. The State Highway Commission or Highway Department shall locate, construct and maintain highways and State Trunk Roads so as to connect each county seat with the county seat of the adjoining county by the most direct or most feasible route by a permanent road, having due regard to the public welfare and to connect the county seats of the several

border counties at or near the State line with a public road in the border states.

Section 23. It shall be the duty of said Highway Commission or Highway Department to equitably apportion among the several counties the expenditure of both money and labor and the time or times of making such investments; said roads to be constructed or maintained without expense to the several counties, except as is otherwise provided in this Act, or other laws of this State.

Section 24. By the phrase "equitably apportioned" as is used in the next preceeding section of this Act is meant that not less than one quarter of a million dollars of State funds for roads shall be set aside and expended in each county in the State by the State Highway Commission, provided a bond issue of not less than twenty-five million dollars is authorized by an amendment to the Constitution and by the laws of this State.

Section 25. The State Highway Department in addition to the right, authority and powers conferred upon it by this Act, is authorized to make all such reasonable rules and regulations as the Department may deem necessary to carry out the provisions of this Act and to construct, maintain and repair the public roads, and bridges of this State; and any person, firm, or corporation who violates any of the provisions of this Act or any reasonable rule or regulation prescribed by the State Highway Department for the better construction, repair and maintenance, protection and preservation of the public roads, bridges, highways and rights of way of roads and highways of this State, shall be guilty of a misdemeanor, and on conviction, shall be punished by fine of not less than ten nor more than five hundred dollars, and at the discretion of the judge trying the case, in addition to the fine may be sentenced to hard labor for a term not to exceed six months, except in a case in which a different punishment is provided for in this Act, then the punishment so provided for otherwise in this Act shall be imposed.

Section 26. All laws or parts of laws local or general inconsistent or in conflict with the provisions of this Act, are hereby repealed.

Section 27. If any section or provision of this Act shall be held to be void or unconstitutional, it shall not affect or destroy the validity or constitutionality of any other section or provision which is not of itself void and unconstitutional.

Section 28. This act shall take effect immediately upon the approval of the Governor, the public good requiring it.

Approved October 31, 1921.

No. 47)

(H. J. R. 50—Deese)

HOUSE JOINT RESOLUTION

Be it resolved by the House, the Senate concurring, that when the Acts of the Legislature and the journal of each house of the Special Session of the Legislature of 1921 shall have been published, the Secretary of State is hereby directed to send to every Senator and Representative, Lieutenant Governor, Secretary and Assistant Secretary of the Senate, Clerk and Assistant Clerk of the House, two copies of said Acts of 1921, together with one copy of the Journal of each house.

Approved October 31, 1921.

No. 48)

(H. 35—Cliett)

AN ACT

To provide and submit to the qualified electors of the State of Alabama, at the next general election, an amendment to the Constitution of Alabama, whereby the following municipal corporations, Jasper, Cordova, Dora, Oxford, Talladega, Citronelle, Girard, Albany and Tuscaloosa, in the State of Alabama, may levy and collect through their duly constituted governing authorities a rate of taxation on the property situated therein, not exceeding in the total in any one year of one per centum of the value of such property as assessed, as provided by the Constitution and statutes now or hereafter enacted pursuant to the Constitution; provided, that the adoption of this amendment, shall in no wise, affect, limit, modify, abridge or impair the power, authority or right of any said municipal corporation to levy and collect the special school taxes, now or hereafter vested in or conferred upon them under the Constitution or any amendment thereto, which said special school taxes shall be in excess of said one percentum herein provided for.

Be it enacted by the Legislature of Alabama:

Section 1. That the following amendment to the Constitution of Alabama is hereby proposed to be submitted to the qualified electors of the State of Alabama for their consideration at the next general election, to-wit: The following municipal corporations, Jasper, Cordova, Dora, Oxford, Talladega, Citronelle, Girard, Albany, and Tuscaloosa, through their respective constituted governing authorities may levy and collect a rate of taxation on the property situated therein, not exceeding in the total in any one year one per centum of the value of such property as assessed as provided by the Constitution and the statutes now or hereafter enacted pursuant to the Constitution; provided, that the adoption of this amendment, shall in no wise affect, limit, modify, abridge or impair the power, authority, or right of any of said municipal corporations to levy and collect the special

school taxes, now or hereafter vested in or conferred upon them under the Constitution or any amendment thereto, which said special school taxes shall be in excess of said one per centum herein provided for.

Section 2. That it shall be the duty of the Governor to give notice by proclamation, to be published in one newspaper in each county in the State at least eight successive weeks next preceding the day hereby appointed for such election on the amendment hereby proposed by this act to be submitted to the qualified electors of the State for their consideration together with the proposed amendment.

Section 3. That at said election on the amendment proposed by this act to be submitted to the qualified electors of the State for their consideration, to be held as herein provided, the qualified electors shall vote upon said amendment, and on the official ballots printed for such election there shall be printed the following, viz., "Shall the following be adopted as an amendment to the Constitution of Alabama: The following municipal corporations, Jasper, Cordova, Dora, Oxford, Talladega, Citronelle, Girard, Albany and Tuscaloosa, through their respective constituted governing authorities may levy and collect a rate of taxation on the property situated therein, not exceeding in the total in any one year one per centum of the value of such property as assessed as provided by the Constitution and the statutes now or hereafter enacted pursuant to the Constitution; provided, that the adoption of this amendment, shall in no wise affect, limit, modify, abridge or impair the power, authority or right of any of said municipal corporations to levy and collect the special school taxes, now or hereafter vested in or conferred upon them under the Constitution or any amendment thereto, which said special school taxes shall be in excess of said one per centum herein provided for." Following the proposed amendment on the ballot shall be printed the word "Yes" and immediately under that shall be printed the word "No." ' The choice of the electors shall be indicated by a cross mark made by him, or under his direction, opposite the word expressing his desire.

Section 4. That the officers to hold such election shall be the same, and shall be appointed in the same manner and by the same officials as provided by the election law of the State for the appointment of officers to hold general elections in the State, and the election shall be held in all things in accordance with the law governing general elections and with the constitutional provision concerning amendments to that instrument.

Section 5. That the votes cast at said election shall be counted, canvassed and tabulated and return made to the Secretary of State in the same manner as in elections of representatives to the Legislature; and if it shall thereupon appear that a majority

of the qualified electors who voted at such election upon the proposed amendment voted in favor of the same such amendment shall be valid in all intents and purposes as a part of the Constitution of Alabama. The result of such election shall be made known by the proclamation of the Governor.

Approved November 1, 1921.

(No. 49

AN ACT

(H. 46—Arnold

To authorize and provide for the issuance and sale of State bonds for the purpose of constructing, improving, and maintaining roads, highways, and bridges.

Be it enacted by the Legislature of Alabama:

Section 1. That there is hereby authorized to be issued and sold interest bearing negotiable State bonds in an amount not to exceed the sum of twenty-five million dollars (\$25,000,000.00) for the purpose of securing funds to construct, improve and maintain roads, highways, and bridges. Such bonds shall be exempt from all state, county and municipal taxes.

Section 2. The Governor, the Chairman of the State Highway Commission, and the Attorney General, are hereby constituted a Bond Commission with full authority to have executed, issued and sell the bonds herein authorized. No member of the Bond Commission shall receive compensation in any form in the sale of these bonds. The Commission shall meet at the call of the Governor who is hereby constituted its Chairman. The State Highway Engineer shall be the Secretary of said Commission.

Section 3. Three shall constitute a quorum of the Bond Commission for the transaction of business. That all proceedings by said Bond Commission must be reduced to writing and recorded in a substantially bound book and true copies of such proceedings shall be certified to the Treasurer by the Chairman and Secretary of the Commission.

Section 4. That the bonds hereby authorized shall be executed, sold, and delivered on behalf of the State from time to time and shall be in such denominations, numbers, and series, and shall mature at such times and bear such rate of interest, not exceeding six per centum per annum, as may be deemed expedient by the Bond Commission. Said bonds shall not be sold for less than the par value thereof.

Section 5. That such bonds shall be signed by the Governor, State Auditor, and State Treasurer and shall have thereto attached, attested by the Secretary of State, the Great Seal of the

State of Alabama. Coupons shall be numbered and signed by the State Treasurer provided, however, fac simile signatures upon the interest coupon of said bonds may be lithographed in lieu of signing.

Section 6. That payment for said bonds shall be made to the State Treasurer and a record and registration of said bonds shall be kept by the State Treasurer. The funds derived from the sale of such bonds shall be credited to the Highway Fund and be used exclusively for the construction, improvement and maintenance of the roads, highways, and bridges in Alabama as authorized by law.

Section 7. Bonds issued under this Act shall be a direct obligation of the State and the full faith and credit of the State is pledged to the prompt payment of the principal and interest thereon. The bonds provided for by this Act are issued under the authority of the amendment to the Constitution authorizing the State to engage in the construction, improvement, repair and maintenance of public roads, highways, and bridges in Alabama, and authorizing the issuance and sale of interest bearing negotiable State bonds in an amount not to exceed the sum of twenty-five million of dollars. It is hereby declared that said bonds are entitled to the benefit of the sinking fund provided by said constitutional amendment and it is provided that this Act shall go into effect upon the adoption of said constitutional amendment, proposed at this special session of the Legislature.

Approved October 31, 1921.

No. 51)

AN ACT

(H. 57—Arnold

To further prescribe the duties of County Treasurers in Counties of more than two hundred thousand population according to the last or any subsequent preceding Federal Census; to provide for clerical assistance for such treasurers for the employment of attorneys to advise and represent such treasurers, and for the compensation of such treasurer, assistants, and attorney; and to require the deposit of county funds.

Be it enacted by the Legislature of Alabama:

Section 1. That immediately upon the approval of this Act and immediately after qualifying hereafter all county treasurers in this State in counties with more than two hundred thousand (200,000) population according to the last or subsequent preceding Federal Census, shall advertise for bids for banks or trust companies desiring to act as depositories for county funds for a period of four years, that is, during the term of office of each such county treasurers. Such treasurers shall cause such

advertisement to be printed once a week for two successive weeks in some newspaper published in their respective counties, and such advertisements shall call on any bank or trust company in such county to submit its bids for the payment of a certain per cent of interest on daily balances for the deposit of the county funds in such bank or trust company.

Section 2. Within ten days after advertisements for such bids as aforesaid, such county treasurers shall in the presence of the probate judge and sheriff of their respective counties, open all bids received and shall select as the depository for such county's fund such bank or trust company as shall offer the highest rate of interest on daily balance of such county funds. Such designation of such bank or trust company as such depository shall be for and during the term of the county treasurer. Provided, however, such county treasurer shall require bond of such bank or trust company as will, in his judgment, properly safeguard the county funds. No treasurer shall receive or consider any bid from any bank or trust company whose place of business is not located in the county in which he is serving as treasurer, nor shall any bid be received or considered on the part of such bank or trust company which offers less than 3% per annum on the daily balance for the deposit of such county's funds in such bank or trust company.

Section 3. Such county treasurer shall have the right to reject any bid received, provided in his opinion, the bank or trust company making such bid is insolvent or in such financial condition as in his opinion makes it unsafe or unwise to entrust it with a deposit of said funds. In case of any such rejection for such reason, such treasurer shall immediately readvertise for other bids as hereinabove provided for original bids.

Section 4. Any or all moneys received by any county treasurer from any designated depository as interest on the county funds shall be applied by such treasurer to the general school fund of the county and such treasurer shall include in each annual report hereafter made by him a certificate showing the name of the designated bank or trust company acting as depository for the county funds together with a statement showing the rate of interest paid by such depository and the amount of money paid to the county as interest by such depository during the twelve months previous to October 1st, next preceding the date of such treasurer's annual report.

Section 5. Be it further enacted that such county treasurer of all counties in this State having a population of more than two hundred thousand according to the last or any subsequent Federal Census are hereby authorized and empowered to employ one clerk whose compensation or salary shall be \$2,700.00 per annum to be paid in equal monthly installments on the order or

warrant of said county treasurer from the funds of the county not otherwise appropriated, one clerk whose compensation or salary shall be \$2,400.00 per annum to be paid in equal monthly installments on the order or warrant of said county treasurer from the funds of the county not otherwise appropriated; one clerk whose compensation or salary shall be \$1,800.00 per annum to be paid in equal monthly installments on the order or warrant of said county treasurer from the funds of the county not otherwise appropriated. The deputy treasurers at the places in said counties other than at the county sites of such counties for transaction of business shall be paid \$2,400.00 per annum in equal monthly installments out of the county treasury on the order or warrant of such treasurers. Provided that one of the clerks herein named shall act as Auditor of said counties.

Section 6. That the salary or compensation of such county treasurer of any county of the State having a population of more than two hundred thousand according to the last or to any subsequent Federal census, shall be \$4,800.00 per annum, payable in twelve equal monthly installments from the county treasury in the same manner as heretofore paid.

Section 7. That all courts of county commissioners, boards of revenue or like boards of such county in the State of Alabama shall be and the same is hereby required to order paid out of any fund of the county not otherwise appropriated all expenses incurred by the county treasurer in resisting the payment of any warrant issued against any fund or funds of the county including a reasonable attorney's fee, and also for necessary legal advice obtained by such county treasurer on matters pertaining to the legal conduct of their office.

Section 8. That the failure to carry into effect the provision of this act according to law shall constitute grounds of impeachment against any county treasurer and the sureties on his bond shall be responsible to the county for any loss that may occur by failure to comply with this act.

Section 9. That if any section, clause or provision of this act is held to be unconstitutional or void, this shall not affect any other section, clause or provision of this act, that is not in itself unconstitutional or void.

Section 10. That all laws and parts of laws in conflict with the provisions of this act are hereby repealed. It is the intention of this act to repeal all laws effective in counties of this class providing for the employment of auditors or any other clerk except such as provided by this Act.

Section 11. That this act shall go into effect immediately upon its passage and approval by the Governor.

Approved October 31, 1921.

AN ACT

To amend Sections 1408 and 1409 of the Code of Alabama.

Be it enacted by the Legislature of Alabama:

Section 1. That Sections 1408 and 1409 of the Code of Alabama be amended so as to read as follows:

1408. Power to borrow money for Public Improvements: For the purpose of providing funds to pay the cost of any improvement not to exceed the amount of any estimate or corrected estimate made before the letting of the contract authorized to be made under the provisions of this article, the Council of any city, town, or other municipality, may (1) Borrow money temporarily on the faith and credit of the municipality, executing its note therefor, which note may not run for a longer period than one year, or (2) Issue bonds, within the limitations prescribed by the Constitution. Such temporary loan or issue of bonds may be made before the contract is let for the improvements, or during the progress of the work, in installments as the work progresses, and the making of one loan or the issue of one series of bonds shall not exhaust the power of the municipality to provide sufficient funds for the completion of the improvement within the limits as herein above provided. The Council shall have power to pledge as security for such loan whether evidenced by notes or bonds the proceeds of the proposed assessments to be thereafter made against the property benefited by the improvement and to transfer and assign for the benefit of said note or bond holder the lien of the municipality thereon, with power to enforce the same, either at law or in equity, Provided that the issue of notes or bonds shall not exceed in the aggregate the total cost of the improvements.

1409. Issue of bonds after completion of work: If bonds have not been issued during the progress of the work, the Council may, upon the expiration of thirty days after the assessments for the cost of such improvement shall have been made final, issue and sell bonds for such amount as may be necessary, after deducting the amount paid by the property owners to pay the cost of the improvement, including such amounts as may have been borrowed for the purpose, and all interest and other expenses incurred for the construction of said improvements.

Approved November 1, 1921.

AN ACT

To provide for the incorporation of education boards having for their purpose the fostering of education in general and education under denominational control in particular, to define the rights and powers of such boards, and to provide that such boards may be affiliated with or controlled by a convention or conventions, or an association or associations, whether incorporated or unincorporated, composed of members, delegates, representatives or messengers of or from any church or religious association having a congregational form of church government.

Be it enacted by the Legislature of Alabama:

Section One. Education boards having for their purpose the fostering of education in general and education under religious denominational control in particular may become incorporated as hereinafter provided, and may be affiliated with or controlled by a convention or conventions, or an association or associations, whether incorporated or unincorporated, composed of members, delegates, representatives or messengers of or from any church or religious association having a congregational form of church government.

Section Two. Any persons desiring to become so incorporated and being not less than five nor more than fifty in number shall file in the office of the Judge of Probate of the county in which the corporation is to have its principal place of business a certificate stating the corporate name selected, the names of the incorporators who shall constitute and compose the said education board until their successors are duly chosen and elected, and the name of the convention or conventions, or association or associations with which the said education board is to be affiliated, or by which it is to be controlled, which certificate shall be subscribed by the said incorporators and recorded. The members of such education board and their successors are from the filing of such certificate incorporated by the name therein mentioned.

Section Three. The persons named in the said certificate as incorporators shall constitute the members of the said education board and they shall hold office as such members until their successors may be chosen by the convention or association with which such education board is affiliated, or by which it is controlled, as named in the said certificate. Said convention or association is hereby authorized and empowered to prescribe the terms of office of such members or member as may constitute the said board, not exceeding fifty nor less than five, and may elect the successors of the members as their terms expire and provide for the filling of vacancies in the interim. Said convention or association with which said boards are affiliated or by which they are controlled shall have the right and power to determine

what officers are necessary for the conduct of the business of said education boards and at their pleasure may fix the terms of office and elect such officers, or may delegate such power and authority to said education boards or the members thereof.

Section Four. Any corporation organized as herein provided may sue and be sued by its corporate name; may have and use a common seal, which it may alter at pleasure; may purchase and hold or receive by gift, devise or bequest real and personal property such as may be necessary for the transaction of the corporate business and to carry out the purposes and objects of the corporation; to make all by-laws and regulations necessary or deemed expedient for the management of the corporate affairs not inconsistent with the laws of the United States and the State of Alabama and not contrary to the constitution, rules and regulations of the convention or association with which the said education board may be affiliated or by which it may be controlled; to appoint such subordinate officers as may not be chosen by the said convention or association, as the business of the corporation may require, if not forbidden by the said convention or association; to designate the names of such officers and to fix their compensation; to establish and support educational institutions; to print and disseminate religious and educational literature; to establish and conduct a teachers' bureau or teachers' bureaus; to receive and distribute all funds placed in its hands for distribution; to acquire scholarships in institutions of learning and to dispose of same by gift or loan; to borrow money and to secure the same by mortgage or deed of trust or any of the property of the corporation; to solicit, collect or receive subscriptions in money or otherwise for the advancement of the purposes of the corporation; to purchase, have printed, or to print, edit, conduct and carry on for educational purposes and uses a magazine or magazines, a newspaper or newspapers, and to publish and dispose of by sale or otherwise books, tracts and periodicals; to disseminate by sale or gift all literature deemed necessary to the carrying on of the work of the corporation, and to adopt such methods and employ such agencies as may be deemed necessary to create interest in education, but in all things to be governed by the rules and regulations prescribed by the convention or association with which it is affiliated or by which it is controlled, so far as the same are consistent with the constitution and laws of the State of Alabama and of the United States.

Section Five. No mortgage or deed of trust conveying any of the property of the corporation shall be executed until the same shall have been authorized by a majority in number of the members of such education board, which shall be duly spread upon the minutes of the proceedings of said board. Any mortgage,

deed of trust or other conveyance of any real estate belonging to such corporation may be validly executed by any officer or agent who shall be designated by the said board.

Section Six. Any corporation heretofore organized as an educational society under the general laws of this State relating to corporations not of a business character may accept the provisions of this act and become entitled to the privileges and benefits thereof and subject to all the terms and provisions thereof in the following manner: If a majority of the members of said educational society shall at a regular meeting of the society vote in favor of a resolution to amend the charter of such society by accepting the benefits and privileges conferred by this act and by becoming subject to all of the terms thereof, which resolution shall set forth the name of the convention or association with which the said society proposes to be affiliated or by which it is to be controlled, on the filing of a copy of such resolution in the office of the judge of probate of the county in which such educational society was organized, and certified to be a true and correct copy thereof by the secretary of such educational society, the charter of said educational society shall thereupon be amended as herein provided.

Approved November 1, 1921.

LOCAL ACTS

PASSED AT SPECIAL SESSION, 1921.

No. 4)

(H. 34—Cliett

AN ACT

To provide for a Judge of the County Court of Talladega County, Alabama, fix his compensation, and to provide for the payment of the same.

Be it enacted by the Legislature of Alabama:

Section 1. That from and after the passage and approval of this act the Judge of Probate of Talladega County, Alabama, shall be ex-officio judge of the county court, and shall be paid out of the county treasury an annual salary of nine hundred (\$900.00) dollars, which shall be in lieu of all fees and compensation allowed by law to such judge for services rendered in and about such county court, the payment of such salary to be by warrant of such judge drawn on the treasury of the county on the first of each month.

Approved October 21, 1921.

No. 29)

(H. 115—Salter

AN ACT

To authorize the Commissioners' Court of Conecuh County, Alabama, to pay out of the general fund of said county to the tax assessor of said county, the sum of six hundred dollars per annum for extra assistance in his said office.

Be it enacted by the Legislature of Alabama:

Section 1. That the commissioners' court of Conecuh County be and is hereby authorized to pay out of the general fund of said county to the tax assessor of said county the sum of six hundred dollars per annum, for extra assistance in his said office; that said amount shall be paid to the tax assessor in equal monthly installments out of the general fund of said county on warrants to be issued by the probate judge of Conecuh County on the order of the Commissioners' Court of said county; that this act shall be effective from and after its passage and approval by the Governor; that all laws in conflict with this act be and the same are hereby repealed.

Approved October 31, 1921.

No. 35)

(S. 35—Espy)

AN ACT

To repeal an act entitled "An Act to further provide for improvement and maintenance of the public roads and bridges of Henry County, Alabama, by authorizing the Court of County Commissioners thereof, to fix and provide payment of a per capita road tax in lieu of road and bridge service, and levy and collect a vehicle tax and to provide penalty for violations of and failures to comply with provisions created under authority of this act."

Be it enacted by the Legislature of Alabama:

Section 1. That an act entitled "An Act to further provide for improvement and maintenance of the public roads and bridges of Henry County, Alabama, by authorizing the Court of County Commissioners thereof, to fix and provide payment of a per capita road tax in lieu of road and bridge service, and levy and collect a vehicle tax and to provide penalty for violations of and failures to comply with provisions created under authority of this act," approved September 10th, 1919, pages 100 and 101 of the Local Acts of Alabama of 1919, be and the same is hereby repealed.

Approved October 31, 1921.

No. 40)

(S. 3—Acker)

AN ACT

To transfer all moneys from the fine and forfeiture fund of Calhoun County, Alabama, to the general fund of said county, and to authorize the President of the Court of County Commissioners of said county, from time to time after the passage of this act to transfer the fine and forfeiture fund of said county to the general fund.

Be it enacted by the Legislature of Alabama:

Section 1. That all moneys in excess of \$2,000.00 in the fine and forfeiture fund of Calhoun County, Alabama, on the approval of this act be and the same are hereby transferred to the general fund of said county and the President of the Court of County Commissioners of said county is hereby authorized and directed to draw a warrant covering the entire fine and forfeiture fund in excess of \$2,000.00 of said county, transferring the same from the fine and forfeiture fund to the general fund.

Section 2. That the President of the Commissioners' Court of said county shall have authority after the approval of this act, to transfer from time to time according to his discretion. all moneys that may accumulate in the fine and forfeiture fund of said county to the general fund of said county.

Section 3. That this act shall be effective on its approval by the Governor.

Approved October 31, 1921.

No. 43)

(S. 53—Rogers

AN ACT

To amend an act to establish a board of revenue for Sumter County, and for the abolishment of the Court of County Commissioners of said county, approved February 22, 1919.

Be it enacted by the Legislature of Alabama:

Section 1. That sections 1, 2 and 13 of the act entitled An Act to establish a Board of Revenue for Sumter County, and for the abolishment of the Court of County Commissioners of said county, approved February 22, 1919, be amended so as to read as follows:

Section 1. Be it enacted by the Legislature of Alabama: That there is hereby established a board consisting of seven persons, a president and six associates, who shall be qualified electors of Sumter county, and shall be called the Board of Revenue of Sumter County. That the county of Sumter shall be, and hereby is divided into six districts as follows: District Number 1 composed of the following precincts or beats, viz.: Gainesville, Lacy, Preston, Hares and Warsaw. District Number 2 composed of Livingston, Jones-Bluff, Sumterville, and Payneville. District Number 3 composed of York. District Number 4 composed of Black-Bluff, Gaston, Earbee and Cotohaga. District Number 5 composed of Thornville, Intercourse and Cuba. District Number 6 composed of Brewersville, Belmont and Bluff-Port.

Section 2. Be it further enacted, that there shall be elected at the next general election in the county of Sumter one member of said board from District Number 1 and one member from District Number 6, who shall hold office for a term of six years from the first Monday after the second Tuesday in January, 1923, and until their successors are elected and qualified. There shall also be elected at the same time one member from District Number 2 and one member from District Number 3 who shall hold office for a term of four years from the first Monday after the second Tuesday in January, 1923, and until their successors are elected and qualified. There shall also be elected at the same time a president who shall hold office for a term of six years from the first Monday after the second Tuesday in January, 1923, and until his successor is elected and qualified. At the general election held in Sumter County in 1924 there shall be

elected one member from District Number 4 and one member from District Number 5 who shall hold office for a term of six years from the first Monday after the second Tuesday in January, 1925, and until their successors are elected and qualified. In case of a vacancy the same shall be filled by the Governor. The Board of Revenue as at present constituted shall remain in force until the first Monday after the second Tuesday in January, 1923. And the members elected and taking office on the first Monday after the second Tuesday in January, 1923, together with the members of the present board holding over at that time shall constitute the Board of Revenue until the first Monday after the second Tuesday in January, 1925.

Section 13. Be it further enacted that there shall be elected at the general election in the county of Sumter in the year, 1926, and every six years thereafter, one member from District Number 2, and one member from District Number 3, who shall qualify within fifteen days after the returns shall have been canvassed, and shall enter upon the discharge of their duties on the first Monday after the second Tuesday in January, next after their election, and hold their office for a term of six years, and until their successors are elected and qualified. That there shall be elected at the general election in Sumter County in the year 1928, and every six years thereafter one member from District Number 1 and one member from District Number 6, and a president from the county at large who shall qualify within fifteen days after the returns shall have been canvassed, and shall enter upon the discharge of their duties on the first Monday after the second Tuesday, in January, next after their election and shall hold office for a term of six years and until their successors are elected and qualified. That there shall be elected at the general election in Sumter County in the year 1930, and every six years thereafter one member from District Number 4 and one member from District Number 5 who shall qualify within fifteen days after the returns shall have been canvassed and shall enter upon the discharge of their duties on the first Monday after the second Tuesday in January next after their election and hold office for a term of six years and until their successors are elected and qualified. That only the qualified electors residing in the district from which the member is to be elected shall be eligible to vote for such member, except as to the president who may reside in any district in the county and shall be voted for by the qualified voters of the county.

Approved November 1, 1921.

No. 44)

(S. 47—Rogers)

AN ACT

For the relief of P. B. Jarman of Sumter County authorizing the payment of warrant issued to him for services rendered in relation to public roads, on which payment was refused by reason that the account was not filed within twelve months.

Be it enacted by the Legislature of Alabama:

Section 1. That the County Depository of Sumter County, Alabama, be and it is hereby empowered out of the general funds of said county to pay P. B. Jarman \$206.65 for a warrant issued to him by the Commissioners' Court of said county, after the same was audited and allowed to him by said court at the February term, 1914, for services rendered in relation to the public roads of said county, on which payment was refused by reason that the account was not filed within twelve months.

Approved November 3, 1921.

No. 50)

(H. 113—Salter)

AN ACT

To provide for the fixing of fees and compensation of witnesses subpoenaed on behalf of the State to appear before the Grand Jury, the County Court and the Circuit Court of Conecuh County, Alabama; to provide the manner in which said fees shall be paid; to provide the amount of said witness' fees and compensation to be charged in costs against a defendant when convicted, or against the prosecutor when taxed with the costs; and to authorize the transfer of one thousand dollars per annum from the general fund to use in the payment of said fees and compensation.

Be it enacted by the Legislature of Alabama:

Section 1. That in all criminal prosecutions in the Circuit and County Courts of Conecuh County, Alabama, the fees of the witnesses subpoenaed on the part of the State shall be taxed against the defendant if he is convicted or against the prosecutor if he is taxed with the costs. Said taxation shall also include the fees of such witnesses in attending the grand jury. The amount of fees so taxed shall be two dollars per day for each State's witness and three cents per mile to and from his residence by the usual route traveled. Said fees shall be taxed and collected by the Clerk of the Circuit or County Court and shall be by him paid to the county depository or treasury within five days after the same are collected. At the time of paying the same the clerk shall render to the depository or treasurer a statement showing the name and number of each case and the amount of fees in

each case in which the same are collected, which statement shall be filed and preserved by the county depository or treasurer and said county depository or treasurer shall receipt the clerk for all moneys paid over by him. All moneys received by the county depository or treasurer from the Clerk of the Circuit or County Court in the manner above set forth shall be set apart and entered to the credit of a fund to be known as the State's witnesses' fund and the county depository or treasurer shall keep a separate account on his books showing the receipts and disbursements on account of said fund.

Section 2. That the Commissioners' Court of Conecuh County, Alabama, be and they are authorized and directed hereby to appropriate out of the general fund of the county and out of the moneys not otherwise appropriated for the year 1921 and for each year thereafter a sum of not exceeding one thousand dollars, or so much thereof as shall be deemed necessary by them for the payment of said witnesses attending the Circuit and County Courts and the grand jury of said county as hereinafter provided. Said sum when so appropriated and set apart shall by the county depository or county treasurer of said county be credited to State's witness fund above named and the same together with the money paid the county depository or treasurer under the provisions of section one of this act shall constitute the fund out of which the State's witnesses subpoenaed to attend the circuit and county courts and the grand jury of Conecuh County shall be paid in criminal cases in the manner hereinafter set out, and provided.

Section 3. That witnesses subpoenaed on behalf of the State to attend the Circuit or County Courts of Conecuh County in criminal cases or to appear before the grand jury of said county in such cases shall be entitled to one dollar per day and three cents per mile to and from their residence by the usual traveled route. Said compensation to be paid by the county depository or treasurer out of the State's witness fund hereinabove provided for upon the certificate of the clerk or foreman of the grand jury showing the amount of compensation to which the witness is entitled at the rates provided for in this section. Said certificates when paid by the county depository or treasurer shall be filed and kept by him as vouchers.

Section 4. It shall be the duty of the county depository or treasurer of Conecuh County to render to the Court of County Commissioners of said county at their first regular meeting in each year a statement of the moneys received for the preceding year on account of said State's witness fund and also a statement paid out on account of said funds. Should there be a surplus on hand after paying the State's witnesses for the preceding year

said surplus shall be credited to and constitute a portion of the said State's witness' fund for the year following.

Section 5. That a witness for the State attending the Circuit or County Court or the grand jury in more than one case at the same time in said county shall be entitled to fees in only one case while so attending, but if after attending in one case his attendance is required in other cases he shall be entitled for such attendance each day to claim his per diem but no mileage, and so on for each day till all of the cases in which he is required to attend are disposed of by trial, continuance or otherwise.

Section 6. That the provisions of this act shall only apply to claims of State's witness hereafter accruing.

Section 7. That all laws or parts of laws, general or special, in conflict with the provisions of this act are hereby repealed. This act shall go into effect upon its approval by the Governor.

Approved November 1, 1921.

INTEREST LAWS AND STATUTES OF LIMITATION.

	Interest Laws.		Statutes of Limitation.		
	Legal Rate.	Rate allowed by Contract.	Judgments Years.	Notes Years.	Open Accounts Years.
Alabama	8	8	20	6	3
Alaska	8	12	10	6	1
Arkansas	6	10	10	5	3
Arizona	6	12	5	4	3
California	7	¹	5	4	4
Colorado	8	¹	20	6	6
Connecticut	6	6	²	¹	6
Delaware	6	6	10	¹⁶ 6	3
District of Columbia	6	10	12	3	3
Florida	8	10	20	¹⁶ 5	2
Georgia	7	8	7	¹⁶ 6	4
Idaho	7	12	6	5	4
Illinois	5	7	20	10	5
Indiana	6	8	20	10	6
Iowa	6	8	⁶ 20	10	5
Kansas	6	10	5	5	3
Kentucky	6	6	15	15	¹⁵ 5
Louisiana	5	8	10	5	3
Maine	6	¹	20	¹⁶ 6	⁶
Maryland	6	6	12	3	3
Massachusetts	6	¹	20	6	6
Michigan	5	7	10	6	6
Minnesota	7	10	10	6	6
Mississippi	6	10	7	6	3
Missouri	6	8	10	10	5
Montana	8	¹	⁵ 10	8	5
Nebraska	7	10	⁵ 5	5	4
Nevada	7	¹	6	4	4
New Hampshire	6	6	20	6	6
New Jersey	6	6	20	6	6
New Mexico	6	12	7	6	4
New York	6	⁶	¹¹ 20	6	⁶
North Carolina	6	6	10	¹³	3
North Dakota	7	12	¹⁰ 10	6	⁶
Ohio	6	8	¹³ 15	15	6
Oklahoma	6	10	²⁰ 5	5	3
Oregon	6	10	10	6	6
Pennsylvania	6	6	¹⁹ 5	¹⁶ 6	6
Rhode Island	¹⁴ 6	¹	20	6	6
South Carolina	7	8	10	6	6
South Dakota	7	12	²¹ 10	6	6
Tennessee	6	6	10	6	6
Texas	6	10	⁸ 10	4	2
Utah	8	12	8	6	4
Vermont	6	6	8	6	⁶
Virginia	6	6	20	¹⁵	¹⁶ 2

INTEREST LAWS AND STATUTES OF LIMITATION.—*Continued*

	Interest Laws.		Statutes of Limitation.		
	Legal Rate.	Rate allowed by Contract.	Judgments Years.	Notes Years.	Open Accounts Years.
Washington	6	12	6	6	3
West Virginia	6	6	10	10	5
Wisconsin	6	10	¹¹ 20	6	6
Wyoming	8	12	21	5	8

¹Any rate. ²Any rate, but only 6 per cent can be collected by law. ³No law.

⁴Six years from last item.

⁵In courts not of record 5 years.

⁶Twenty years in courts of record; in justice's court 10 years.

⁷Negotiable notes 6 years, non-negotiable 17 years.

⁸Becomes dormant, but may be revived.

⁹New York has by a recent law legalized any rate of interest on call loans of \$5,000 or upward, on collateral security.

¹⁰Subject to renewal.

¹¹Not of record 6 years.

¹²No limit.

¹³Foreign, domestic 6 years.

¹⁴Unless a different rate is expressly stipulated.

¹⁵Under seal, 20 years.

¹⁶Store accounts; other accounts 3 years; accounts between merchants 5 years.

¹⁷Accounts between merchants 2 years.

¹⁸Witnessed 20 years.

¹⁹Ceases to be a lien after that period.

²⁰On foreign judgments one year.

²¹Ten years foreign, 20 domestic.

STATE DEPARTMENTS.

- Governor*—Thomas E. Kilby, of Anniston.
Lieutenant Governor—Nathan L. Miller, of Birmingham.
Secretary of State—William P. Cobb, of Tuskegee.
State Auditor—H. Fitzhugh Lee, of Eufaula.
State Treasurer—R. L. Bradley, of Vernon.
Attorney General—Harwell G. Davis, of Gadsden.
Superintendent of Education—John W. Abercrombie, of Anniston.
Insurance Commissioner—A. W. Briscoe, of La Fayette.
Department of Agriculture and Industries—M. C. Allgood, Commissioner, of Oneonta; J. M. Moore, Supervisor, Division Food, Feed and Drugs, of Fayette; F. O. Hooten, Supervisor Markets Bureau, of Alexander City.
Public Service Commissioner—A. G. Patterson, President, of Albany.
State Tax Commission—John S. Mooring, Chairman, of Anniston.
Department of Conservation—John H. Wallace, Jr., Commissioner, of Huntsville.
State Banking Department—H. H. Montgomery, Superintendent, of Birmingham.
State Highway Commission—John A. Rogers, Chairman, of Gainesville; W. S. Keller, Highway Engineer, of Montgomery.
Department of Archives and History—Mrs. Marie Bankhead Owen, Director, of Montgomery.
State Board of Control and Economy—C. B. Rogers, Chairman, of Birmingham.
State Warden General—W. F. Feagin, of Montgomery.
Adjutant General—Col. Hartley A. Moon, of Birmingham.
Chief Mine Inspector—C. H. Nesbitt, of Birmingham.
State Board of Health—Dr. S. W. Welch, Chairman, of Talladega.
State Horticulturist—G. C. Starcher, of Auburn.
State Geologist—Dr. Eugene A. Smith, of Tuscaloosa.
State Chemist—Dr. B. B. Ross, of Auburn.
State Veterinarian—Dr. C. A. Cary, of Auburn.
State Securities Commission—Under supervision of Public Service Commission—William C. Oates, Executive Officer, of Montgomery.
Chief Examiner of Public Accounts—Chas. E. McCall, of Butler.
Alabama Pension Commission—Chas. E. McCall, Chairman, of Butler.

State Fire Marshall—William J. Williams, of Birmingham.
Chief Law Enforcement Agent—Lon L. Phillips, Montgomery.
State Prison Inspector—Dr. Glenn Andrews, of Montgomery.
State Board of Public Accountancy—M. W. Alldridge, Chairman, of Montgomery.
State Harbor Commission—Murray Brown, Chairman, of Birmingham.
State Board of Education—A. H. Carmichael, Chairman, of Tusculumbia.
State Board of Pharmacy—Lawrence C. Lewis, Chairman, of Tuskegee.
State Board of Optometry—H. P. McDonald, Chairman, of Mobile.
State Board of Pardons—Harwell G. Davis, Chairman, of Montgomery.
State Board of Dental Examiners—Dr. H. T. McKinnon, Chairman, of Troy.
State Child Welfare Department—Mrs. L. B. Bush, Director, of Montgomery.
Workmen's Compensation Commissioner—Mrs. Marie Bankhead Owen, Ex-officio, of Montgomery.

SUPREME COURT.

John C. Anderson, Chief Justice.....of Demopolis
 Thos. C. McClellan, Associate Justice.....of Athens
 A. D. Sayre, Associate Justice.....of Montgomery
 Ormond Somerville, Associate Justice.....of Tuscaloosa
 Lucien D. Gardner, Associate Justice.....of Troy
 Wm. H. Thomas, Associate Justice.....of Montgomery
 B. M. Miller, Associate Justice.....of Camden

COURT OF APPEALS.

Chas. R. Bricken, Presiding Judge.....of Luverne
 W. H. Samford, Associate Judge.....of Montgomery
 Henry P. Merritt, Associate Judge.....of Tuskegee
 Junius M. Riggs, Marshal of the Supreme Court, and Librarian, Montgomery, Alabama.

NOTE: Official address of all Executive and Judicial Officers, Montgomery, Alabama.

OFFICERS AND MEMBERS OF THE LEGISLATURE OF ALABAMA, 1921.

STATE SENATE, 1921.

OFFICERS

Hon. Nathan L. Miller, Lieutenant Governor.....	President
Hon. T. J. Bedsole.....	President <i>pro tem.</i>
Walter L. Miller.....	Secretary
H. F. Reese, Jr.....	Assistant Secretary
Mrs. Jesse T. Lamar.....	Engrossing Clerk
Mrs. Lula Thompson.....	Enrolling Clerk
J. K. Jenkins.....	Doorkeeper

MEMBERS

1st District—B. A. Rogers.....	Florence
2nd District—W. H. Smith.....	Town Creek
3rd District—A. A. Griffith.....	Cullman
4th District—W. E. Butler.....	New Hope
5th District—John B. Tally.....	Scottsboro
6th District—Watt T. Brown.....	Ragland
7th District—W. P. Acker.....	Anniston
8th District—Marion H. Sims.....	Talladega
9th District—J. O. Webb.....	Waverly
10th District—R. L. Huddleston.....	Speigner
11th District—J. T. Beale.....	Northport
12th District—M. L. Leith.....	Jasper
13th District—C. R. West.....	Birmingham
14th District—J. A. Rogers.....	Gainesville
15th District—J. C. Harper.....	Columbiana
16th District—H. M. Caffey.....	Lowndesboro
17th District—J. Morgan Prestwood.....	Andalusia
18th District—J. Marvin Moore.....	Marion
19th District—T. J. Bedsole.....	Grove Hill
20th District—T. J. Carlton.....	Linden
21st District—Riley Kelly.....	Excel
22nd District—John Miller.....	Camden
23rd District—W. W. Morris.....	Daleville
24th District—C. S. McDowell, Jr.....	Eufaula
25th District—D. A. Baker.....	Troy
26th District—S. C. Cowan.....	Union Springs
27th District—B. T. Phillips.....	Opelika
28th District—C. B. Teasley.....	Montgomery
29th District—J. A. Nance.....	Collinsville

30th District—Jas. B. Ellis.....	Selma
31st District—A. H. Carmichael.....	Tuscumbia
32nd District—R. B. Evins.....	Greensboro
33rd District—John Craft.....	Mobile
34th District—O. T. Smith.....	Goodwater
35th District—J. B. Espy.....	Abbeville

HOUSE OF REPRESENTATIVES, 1921

OFFICERS

S. A. Lynne.....	Speaker
Fred H. Gormley.....	Clerk
John Q. Adams.....	Assistant Clerk
Leon Jackson.....	Engrossing Clerk
W. P. Fonville.....	Enrolling Clerk
J. F. Pouncy.....	Doorkeeper

MEMBERS

Autauga—E. H. Downs.....	Prattville
Baldwin—Sibley Holmes.....	Foley
Barbour—J. D. Clayton.....	Clayton
Barbour—Chauncey Sparks.....	Eufaula
Bibb—N. E. Stewart.....	Centerville
Blount—W. Y. Adams.....	Garden City
Bullock—J. M. Ellis.....	Union Springs
Bullock—N. Lewis, Jr.....	James
Butler—W. I. Lee.....	McKenzie
Butler—J. Lee Long.....	Greenville
Calhoun—G. C. Williams.....	Choccolocco
Calhoun—J. C. Wilson.....	Anniston
Chambers—E. J. Gilbert.....	LaFayette
Chambers—J. V. Trammell.....	Five Points
Cherokee—John W. Mitchell.....	Round Mountain
Chilton—W. A. Reynolds.....	Clanton
Choctaw—W. J. Dansby.....	Butler
Clarke—John S. Graham.....	Jackson
Clarke—D. C. Matthews.....	Grove Hill
Clay—F. J. Ingram.....	Ashland
Cleburne—Wm. H. Howle.....	Heflin
Colbert—W. H. Shaw.....	Tuscumbia
Conecuh—G. W. Salter, Jr.....	Evergreen
Coffee—J. A. Carnley.....	Elba
Coosa—J. M. Parker.....	Equality

Covington—J. C. McLeod	Opp
Crenshaw—A. H. Williamson	Luverne
Cullman—T. H. Robertson	Cullman
Dale—Frank O. Deese	Ozark
Dallas—J. E. Dunnaway	Orrville
Dallas—J. L. Edwards	Tyler, R. F. D.
Dallas—J. W. Green	Selma
DeKalb—E. M. Baker	Fort Payne
Elmore—H. C. Ellis	Eclectic
Escambia—Sidney M. Jones	Atmore
Etowah—W. T. Murphree	Gadsden
Etowah—J. P. Preston	Attalla
Fayette—Robert F. Peters	Fayette
Franklin—J. W. Partridge	Russellville
Geneva—T. S. Faulk	Samson
Greene—A. P. Smith	Eutaw
Hale—A. M. Tunstall	Greensboro
Hale—W. C. Christian	Greensboro
Henry—R. F. Hall	Shorterville, R. F. D.
Houston—O. L. Tompkins	Dothan
Jackson—J. C. Austin	Flat Rock
Jefferson—J. C. Arnold	Morris
Jefferson—A. Benners	Birmingham
Jefferson—S. W. Hawkins	Birmingham
Jefferson—Wm. L. Harrison	East Lake
Jefferson—Geo. Ross	Bessemer
Jefferson—J. D. Truss	East Lake
Lamar—A. U. Hollis	Sulligent
Lauderdale—S. E. McDonald	Florence
Lawrence—D. H. Bracken	Moulton
Lee—J. A. Albright	Opelika
Lee—W. T. Andrews	Opelika
Limestone—J. R. Christopher	Athens
Lowndes—R. M. Guy	Letohatchie, R. F. D.
Lowndes—R. R. Moorer	Mount Willing
Macon—Wm. Varner	Tuskegee
Madison—S. S. Fletcher	Huntsville
Madison—J. Gray Woodard	Huntsville
Marengo—W. G. Allen	Linden
Marengo—J. D. Jones	Linden
Marion—E. B. Fite	Hamilton
Marshall—Thomas E. Orr	Albertville
Mobile—Daniel B. Cobbs	Mobile
Mobile—Foster K. Hale, Sr.	Mobile
Mobile—John J. Russell	Mobile
Monroe—F. W. Hare	Monroeville
Montgomery—M. E. Barganier	Montgomery

Montgomery—H. B. Fuller.....	Montgomery
Montgomery—Thomas W. Oliver.....	Montgomery, R. F. D.
Morgan—R. A. Burleson.....	Decatur
Morgan—S. A. Lynne.....	Decatur
Perry—W. B. Alexander.....	Felix
Perry—John C. Lee.....	Marion
Pickens—Geo. M. Collins.....	Carrollton
Pike—M. N. Dodson.....	Troy
Pike—J. H. Edwards.....	Banks, R. F. D.
Randolph—M. P. Pittman.....	Roanoke
Russell—C. C. Jordan.....	Seale
Russell—B. deG. Waddell.....	Seale
Shelby—A. P. Longshore.....	Columbiana
St. Clair—W. S. Crump.....	Seddon
Sumter—R. H. Long.....	Gainesville
Sumter—R. L. Seale.....	Livingston
Talladega—M. J. Cliett.....	Childersburg
Talladega—J. H. Lawson.....	Talladega
Tallapoosa—J. H. Johnson.....	Dadeville
Tallapoosa—H. L. Simpson.....	Wadley
Tuscaloosa—H. T. Burks.....	Tuscaloosa
Tuscaloosa—A. S. Van de Graff.....	Tuscaloosa
Walker—Thos. J. Calvert.....	Jasper
Walker—W. W. Milford.....	Jasper
Washington—R. E. Blunt.....	St. Stephens
Wilcox—B. H. Matthews.....	Camden
Wilcox—E. F. Oakley.....	Pine Hill
Winston—C. F. Gilbreath.....	Double Springs

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